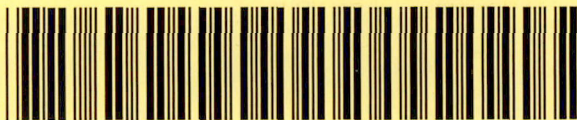


300IHSSF2095



DocumentID NONCD0002870

Site Name RPM NISSAN

DocumentType Correspondence (C)

RptSegment 1

DocDate 4/7/2009

DocRcvd 4/7/2009

Box SF2095

AccessLevel PUBLIC

Division WASTE MANAGEMENT

Section SUPERFUND

Program IHS (IHS)

DocCat FACILITY



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

CERTIFIED MAIL

April 7, 2009

Mr. Ray Vrscak
Michael Jordan Nissan
3930 Chapel Hill Road
Durham, NC 27707

Re: **NOTICE OF REGULATORY REQUIREMENTS FOR CONTAMINANT ASSESSMENT AND
CLEANUP**

RPM Nissan
3930 Chapel Hill Road
Durham, Durham County
NONCD 000 2870

Dear Mr. Vrscak:

Thank you for submitting the Site Cleanup Checklist/Questionnaire (Questionnaire) for the above subject site (Site). The Branch has completed its review of the Questionnaire and determined that the Site can be cleaned up through the REC ("Registered Environmental Consultant") Program without direct oversight by Branch Staff.

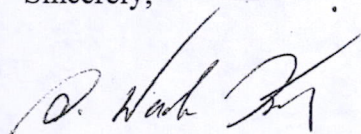
Note that, if you have not already done so, you must take the initial abatement actions required under 15A NCAC 2L, Groundwater Classifications and Standards. Pursuant to 15A NCAC 2L .0106(b), any person conducting or controlling an activity which results in the discharge of a waste or hazardous substance to the groundwaters of the State, or in proximity thereto, shall take immediate action to terminate and control the discharge, and mitigate any hazards resulting from exposure to the pollutants. Pursuant to 15A NCAC 2L .0106(c), if groundwater standards have been exceeded, you must take immediate action to eliminate the source or sources of contamination. Beyond initial abatement actions, all assessment and remediation will be done through the Inactive Hazardous Sites Response Act ("IHSRA"), codified under N.C. Gen. Stat. § 130A-310.

Under the IHSRA, to receive approval of the assessment and clean up at the Site, you must enter into an administrative agreement with the Branch. Since the Branch has determined that the Site can be cleaned up through the REC Program, execution of an REC-Administrative Agreement (AA) is required. The procedures for entering into an REC-AA are attached. If you have any questions regarding these procedures or the REC Program, please contact the REC Program Manager, Kim Caulk, at (919)508-8451 or visit the REC Program website at <http://www.wastenotnc.org/SFHOME/recprog.htm>.

If we do not receive a response from you within the next 60 days indicating your willingness to enter an REC-AA, the Branch will take further action to prioritize the Site. Failure to take the initial abatement steps required in 15A NCAC 2L may result in the assessment of a civil penalty against you. In addition, the Branch may seek an injunction compelling compliance with the initial abatement steps required in 15A NCAC 2L. For future work beyond the initial abatement steps required pursuant to 15A NCAC 2L, a unilateral Order may be issued pursuant to § 130A-310.3 to compel assessment and cleanup. In addition, if you choose not to conduct a cleanup voluntarily, the site may be referred to the United States Environmental Protection Agency ("EPA"). If so referred, EPA will screen the site for Federal enforcement action under the Federal Superfund Program, established under the Comprehensive Environmental Responsibility, Compensation, and Liability Act ("CERCLA").

If you have additional questions about the requirements that apply to your site, please contact me at (919) 508-8469.

Sincerely,



S. Wade Kirby, PE, PG Environmental Engineer II
Inactive Hazardous Sites Branch
Superfund Section

Enclosure: REC-AA Procedures

cc: Mr. Jack Garrison, Bensinger & Garrison Environmental, Inc. w/enc
Kim Caulk, NCDENR/DWM/SFS/HISB

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

7008 0150 0000 3075 1359
MR RAY VRSCAK
MICHAEL JORDAN NISSAN
3930 CHAPEL HILL ROAD
DURHAM NC 27707

2. Article Number
(Transfer from service label)

7008 0150 0000 3075 1359

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Irene Chisenhall*

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Irene Chisenhall

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☒ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

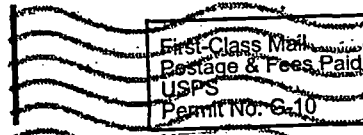
- ☐ Yes

UNITED STATES POSTAL SERVICE

RESEARCH TRIANGLE REGION

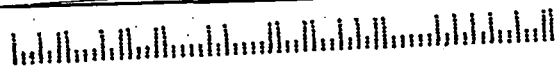
NC 276

09 APR 2009 PM



160117607631

WADE KIRBY
NCDENR/DWM/SUPERFUND/IHSB
401 OBERLIN ROAD - SUITE 150
RALEIGH NC 27605
REFUND SECTION



350

Procedures for Obtaining a REC Administrative Agreement

To obtain a Registered Environmental Consultant (REC)-Administrative Agreement (AA), remediating parties (RPs) and RECs should use the following procedures:

1. Contact Kim Caulk, preferably by e-mail at Kim.Caulk@NCMail.net, and provide the following information for the site:
 - Site name, street address/location, city, and county;
 - Exact name of remediator;
 - Name, title, telephone number, e-mail address, & mailing address of the highest ranking official of the remediating party having day-to-day responsibility for the performance of the remedial response action;
 - Name, title, telephone number, e-mail address, & mailing address of any other contact person(s) and the proposed REC (if known) for the remedial response action;
 - Current property owner of the site.
2. Using the information above, a draft REC-AA will be prepared by the Branch and forwarded, preferably by e-mail, to the RP and any other specified representatives for review. The draft electronic version of the AA will be maintained by the Branch.
3. After the RP and/or REC confirms the information is satisfactory, the AA will be finalized by the Branch and an original, hardcopy of the final document will be mailed to the RP for signature. The RP should then mail the signed **original**, final AA to the REC for signature. The document should then be returned by mail to the Branch for execution. The Branch will forward a photocopy of the AA to the RP and REC following execution.
4. Before the AA can be executed, the following requirements must be completed:
 - A 30-day public notice for the proposed AA must be performed by the Branch in accordance with 130A-310.9(b). Note that this includes sites already undergoing groundwater remediation and previously under the oversight of the Division of Water Quality. To complete the required 30-day public notice, the proposed REC and/or the Remediating Party will need to submit, preferably by e-mail, a site location map (typically a tax map or parcel map) and the mailing addresses for each of the adjacent surrounding property owners. The reference/source of the submitted information should be included;
 - Pursuant to 15A NCAC 13C .0307(c), to participate in the REC Program, payment of a financial assurance fee must be received by the Branch. The fee for entry of the site into the REC Program is \$2500. Checks should be made payable to NC Division of Waste Management and referenced to the REC Trust Fund. There will be a similar fee each year until remediation at the site is complete. The annual administration fee, which is to help offset the costs of the Division's audits of remedial actions, is based on the number of sites in the REC Program and in recent years has varied from approx. \$1800 to \$2500.

The required public notice can begin while the AA is reviewed/finalized and the fees are processed.

Questions regarding these procedures and the REC Program should be directed to Kim Caulk at (919)508-8451 or Kim.Caulk@NCMail.net.

Click here to complete online then print

Site Cleanup Questionnaire

Remediating parties should prepare this form with the assistance of an environmental consultant. All cooperative parties are eligible for Branch-approved remedial actions. Answer all questions, based on current information, and provide written descriptions where needed.

NCDENR Site Name, City and County RPM Nissan, Durham, Durham County

Circle One

1. Is the site located on or immediately adjacent to residential property, schools, day-care centers or other sensitive populations? (Y) N
If yes, please explain on a separate page. Refer to 11/08 LSA Report
2. What is the distance (from site property line) to the nearest residence, school or day-care center? Please attach a map showing the site and nearest residence, school or daycare center. adjacent
3. Is the site completely surrounded by a locked fence? Y (N)
If no, please explain security measures at the site on a separate page.
4. Are site surface soils known to be contaminated? Y (N)
If yes, or unknown, describe briefly on a separate page.
5. Is site groundwater known to be contaminated? (Y) N
If yes, or unknown, describe briefly on a separate page.
6. Is site sediment or surface water known to be contaminated? Y (N)
If yes, or unknown, describe briefly on a separate page.
7. Has groundwater contamination affected any drinking water wells? Y (N)
If yes, or unknown, please explain on a separate page.
8. What is the distance to the nearest downgradient drinking water well? > 1000'
9. What is the distance to the nearest downstream surface water intake? > 1000'
10. Are hazardous vapors, air emissions or contaminated dust migrating into occupied residential, commercial or industrial areas? Y (N)
If yes, or unknown, please explain on a separate page.
11. Have hazardous substances known to have migrated off property at concentrations in excess of Branch unrestricted-use remediation goals? Y (N)
If yes, or unknown, please explain on a separate page.
12. Has the local community expressed concerns about contamination at the site? Y (N)
If yes, or unknown, please explain on a separate page.
13. Based on current information, are there any sensitive environments located on the property (sensitive environments are identified in the Remedial Investigation Work Plans section of the IHSB "Guidelines for Assessment and Cleanup" at www.wastenotnc.org/sfhome/stateleadguidance.pdf)? Y (N)
If yes, or unknown, please explain on a separate page.

14. Based on current information, has contamination from the site migrated into any sensitive environments?

Y **N**

If yes, or unknown, please explain on a separate page.

15. Do site contaminants include radioactive or mixed radioactive and chemical wastes?

Y **N**

If yes, or unknown, please explain on a separate page.

Remediating Party Certification Statement

After first being duly sworn or affirmed, I, _____, hereby state that: I am over the age of eighteen, I am competent to make this certification based upon my own personal knowledge and belief, and, to the best of my knowledge and belief, after thorough investigation, the information contained herein is accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information.

(Signature of Remediating Party Representative)

(Date)

(Printed Name and Title of Remediating Party Representative)

(Printed Name of Company)

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of said County and State, do hereby certify that _____ personally appeared before me this day, produced proper identification in the form of _____, was duly sworn and/or affirmed, and declared that he or she is the owner of the property referenced above or is a duly authorized agent of said owner and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is accurate and complete, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal the _____ day of _____, 200__.

Notary Public (signature)

(OFFICIAL SEAL)

My commission expires:

Environmental Consultant Certification Statement

After first being duly sworn or affirmed, I, Jack H. Garrison, Jr., hereby state that: I am over the age of eighteen, I am competent to make this certification based upon my own personal knowledge and belief, and, to the best of my knowledge and belief, after thorough investigation, the information contained herein is accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information.

Jack H. Garrison, Jr.
(Signature)

3/31/09
(Date)

Jack H. Garrison, Jr.
(Printed Name)

Bensinger & Garrison Environmental, Inc.
(Printed Name of Environmental Consultant)

STATE OF N.C.

COUNTY OF Durham

I, Gail G. Butler, a Notary Public of said County and State, do hereby certify that Jack H. Garrison, Jr. personally appeared before me this day, produced proper identification in the form of NC Driver License, was duly sworn and/or affirmed, and declared that he or she is an environmental consultant for the property referenced above and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is accurate and complete, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal the 31 day of march, 2009.

Gail G. Butler
Notary Public (signature)

(OFFICIAL SEAL)

My commission expires: 2/13/2010



North Carolina Department of Environment and Natural Resources
Division of Waste Management

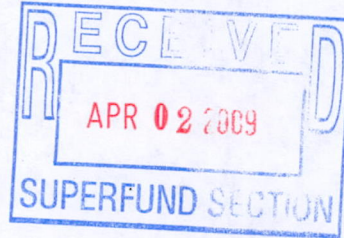
Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

March 26, 2009

Mr. Ray Vrscak
Michael Jordan Nissan
3930 Chapel Hill Blvd.
Durham, NC 27707



Re: **NOTICE OF REGULATORY REQUIREMENTS FOR CONTAMINANT ASSESSMENT AND CLEANUP**

RPM Nissan
3930 Chapel Hill Blvd
Durham, Durham County, NC
Incident Number 15932

Dear Mr. Vrscak:

On March 16, 2009, Wayne Randolph of the Division of Waste Management's ("Division") Underground Storage Tank Section ("USTS") referred the subject site to the Division's Superfund Section, Inactive Hazardous Sites Branch ("Branch"). This referral was made because non petroleum contaminants (hazardous substances-chromium, lead and tetrachloroethene) have been detected in groundwater at the subject site at concentrations exceeding the state's groundwater standards. These contaminants were not addressed by the USTS. Future oversight of this site will be the responsibility of Branch.

Because the subject site has been contaminated by one or more hazardous substances, the Inactive Hazardous Sites Response Act ("IHSRA"), codified under N.C. Gen. Stat. § 130A-310, et seq., applies to the site. In addition, 15A NCAC 2L, Groundwater Classifications and Standards, applies to this site. Additional information regarding assessment and cleanup requirements may be found on the Branch's web site located at <http://wastenotnc.org/sfhome/ihsbrnch.htm>.

I. ACTIONS REQUIRED AT THIS TIME:

Complete the Site Cleanup Questionnaire.

To comply with the requirements of State law, a Site Cleanup Questionnaire, available on the website noted at the end of this letter, must be completed and returned to this office. The information you provide will be reviewed along with other information to prioritize the site, so please make certain that the information you provide is complete and accurate. Please

note that your failure to inform the Branch of any nearby potable wells or other high risk conditions may adversely affect the Branch's ability to identify this site as a higher-risk site.

Take Initial Abatement Actions Required Under 15A NCAC 2L.

If you have not already done so, you must take the initial abatement actions required under 15A NCAC 2L. Pursuant to 15A NCAC 2L .0106(b), any person conducting or controlling an activity which results in the discharge of a waste or hazardous substance to the groundwaters of the State, or in proximity thereto, shall take immediate action to terminate and control the discharge, and mitigate any hazards resulting from exposure to the pollutants. Pursuant to 15A NCAC 2L .0106(c), if groundwater standards have been exceeded, you must take immediate action to eliminate the source or sources of contamination. Beyond initial abatement actions, all assessment and remediation will be done through the IHSRA.

II. FUTURE ASSESSMENT AND CLEANUP ACTIVITIES:

All correspondence regarding this site should be sent to the Branch. Future assessment and cleanup activities (activities conducted after the initial abatement steps required in 15A NCAC 2L) may be conducted through the Voluntary Cleanup Program (discussed below) or pursuant to an Order issued under N.C. Gen. Stat. § 130A-310.3. In addition, if you choose not to conduct a cleanup through the Voluntary Cleanup Program, the site may be referred to the United States Environmental Protection Agency ("EPA"). If so referred, EPA will screen the site for Federal enforcement action under the Federal Superfund Program, established under the Comprehensive Environmental Responsibility, Compensation, and Liability Act ("CERCLA").

III. VOLUNTARY CLEANUP PROGRAM:

Under the IHSRA, persons who move forward to assess and remediate contamination, without being compelled to do so through formal legal action filed against them, are called "volunteers." To participate in the voluntary cleanup program, you will be required to enter into an administrative agreement with the Branch. The voluntary cleanup will proceed through the Registered Environmental Consultant Program or under direct oversight by the Branch Staff, as discussed below:

Agreement to Conduct Assessment and Remediation Through the Registered Environmental Consultant Program.

The Branch has a privatized oversight arm of the voluntary cleanup program known as the Registered Environmental Consultant ("REC") program. Based on the responses provided on the questionnaire (degree of hazard and public interest in the site), the Branch will determine whether a staff person or an REC will perform the oversight and approval of your assessment and cleanup action. Please note that having one or more of the conditions identified on the questionnaire does not necessarily preclude the site for qualifying for an REC-directed cleanup action.

Under the REC program, the volunteer hires an environmental consulting firm, which the State has approved as having met certain qualifications, to implement a cleanup and certify that the work is being performed in compliance with regulations. In other words, the REC's certifications of compliance are in place of direct oversight by the Branch. Details of the REC program can be found at <http://www.wastenotnc.org/sfhome/recprog.htm>. If you have any questions specific to the REC Program, including how to participate, please contact the REC Program Manager, Kim Caulk, at (919) 508-8451.

Agreement to Conduct Assessment and Remediation Under State Oversight.

If the Branch determines that the site should be assessed and remediated pursuant to direct State oversight, it will not be eligible for a REC-directed cleanup. Rather, the remedial action will receive direct oversight by Branch staff.

IV. FAILURE TO RESPOND:

If we do not receive a completed questionnaire, the Branch will take further action to prioritize the site without your input. Failure to take the initial abatement steps required in 15A NCAC 2L may result in the assessment of a civil penalty against you. In addition, the Branch may seek an injunction compelling compliance with the initial abatement steps required in 15A NCAC 2L. For future work beyond the initial abatement steps required pursuant to 15A NCAC 2L, a unilateral Order may be issued pursuant to § 130A-310.3 to compel assessment and cleanup.

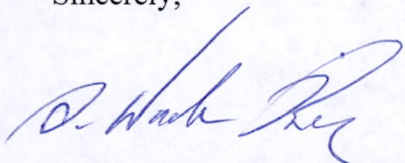
V. ADDITIONAL INFORMATION REGARDING THE IHSRA AND THE BRANCH:

People are often confused by the name of the Inactive Hazardous Sites Response Act and the Branch. By definition, "Inactive Hazardous Sites" are any areas where hazardous substances have come to be located and would include active and inactive facilities and a variety of property types. The term "inactive" simply refers to the fact that cleanup was inactive at large numbers of sites at the time of program enactment. Additional information about the Branch may be found at <http://www.wastenotnc.org/sfhome/ihsbrnch.htm>.

Submit completed questionnaire to: S. Wade Kirby, PE, PG
Inactive Hazardous Sites Branch
401 Oberlin Road, Suite 150
Raleigh, NC 27699-1646

If you have additional questions about the requirements that apply to your site, please contact me at (919) 508-8469.

Sincerely,



S. Wade Kirby, PE, PG, Environmental Engineer
Inactive Hazardous Sites Branch
Superfund Section

cc: Elizabeth Newland, Bensinger & Garrison Environmental, Inc.



North Carolina Department of Environment and Natural Resources

Division of Waste Management

Beverly Eaves Perdue
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March 26, 2009

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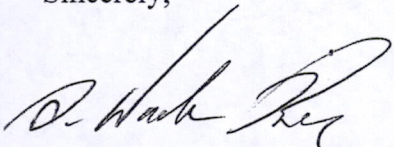
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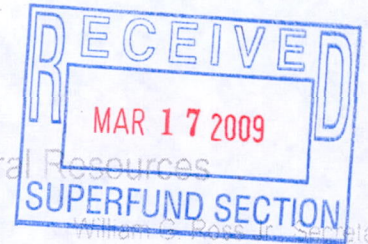
S. Wade Kirby, PE, PG, Environmental Engineer
Inactive Hazardous Sites Branch
Superfund Section

cc: Elizabeth Newland, Bensinger & Garrison Environmental, Inc.



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor



**DIVISION OF WASTE MANAGEMENT
UNDERGROUND STORAGE TANK SECTION**

March 16, 2009

MEMORANDUM

TO: John Walch, Environmental Supervisor - Inactive Hazardous Sites Branch

FROM: Wayne E. Randolph, Raleigh Regional Office Incident Manager *WR*

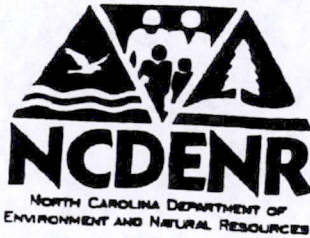
SUBJECT: Michael Jordan (RPM) Nissan
3930 Chapel Hill Blvd, Durham
Durham County
DWM UST Incident # 15932
Risk Classification: Low

The above referenced incident is a commercial property located at 3930 Chapel Hill Blvd in Durham, Durham County. A Limited Site Assessment Report was received by the Raleigh Regional Office (RRO) on December 23, 2009. The rank of the site was determined to be Low15R. A Notice of Residual Petroleum was filed with the Durham County Register of Deeds for the subject site on February 3, 2009 and public notice was received by the RRO on March 4, 2009.

As stated in the Limited Site Assessment: Groundwater analytical reported tetrachloroethene, Chromium, and Lead above 2L. Per our conversation on March 11, 2009, I am forwarding you a copy of the file for your review.

If you have questions or need additional information, please contact me at (919) 791-4220.

FAX COVER SHEET



NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628

3 Pages, including cover sheet

TO: RAY VRSCAK

FAX: 403-6293

FROM: WAYNE RANDOLPH

DATE: 9/16/08

SUBJECT: RPM NISSAN INC. #15932

MESSAGE:

PLEASE CALL ME AT 919-791-4220 IF YOU HAVE
ANY QUESTIONS.

THANKS, WJR

If you do not receive all pages, call 919.791.4200 or fax back to 919.571.4718.

**PLEASE NOTE OUR PHONE NUMBER HAS CHANGED
THE FAX NUMBER REMAINS THE SAME**

General Info | Activity | RP Info | Comments | Reports | STB

Record Status:

USID: RA0453 INCIDENT# 15-32 FACID: _____

PIC NAME: FAYVESAN ADDRESS: 300 CHAPEL HILL BLVD

CITY: DURHAM STATE: NC ZIP CODE: 27707

COUNTY: DURHAM REGION: PAUL MGR: JER

LAT DEC: 35.9075 LONG DEC: 78.8694 Accuracy: _____

DISCOVERED: 4/15/95 REPORTED: 5/15/95

TYPE: SOURCE: COMM: CONTAMINATION: SUPPLY WELL: PTYPE: CAT CODE: _____ REG: GWM#BE: WELL#TEE:

Add Record First Record Print Request DIFF Update Define Search RO Report

The record was modified by ID number 1456 on 5/15/95

Record: 14 | 1456 | 11 | 1456 of 5560 (Filtered)

Form View

NUM

Activity | RP Info | Incident Info | Comments | Reports | STB

Company Name: FAYVESAN CONTACT: FAYVESAN

Address: 300 CHAPEL HILL BLVD CITY: DURHAM STATE: NC ZIP CODE: 27707

TELEPHONE: 919.286.1234

☐ Void ☐ Owner ☐ Operator ☐ Landowner

Add RP's

Company Name: _____ CONTACT: _____

Address: _____ CITY: _____ STATE: NC ZIP CODE: _____

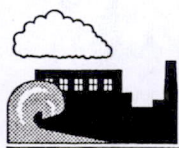
TELEPHONE: _____ COUNTY: _____

☐ Void ☐ Owner ☐ Operator ☐ Landowner

Record: 14 | 1456 | 11 | 1456 of 5560 (Filtered)

Form View

NUM



Bensinger & Garrison

ENVIRONMENTAL, INC.

Bluefield Engineering, P.C.

P.O. BOX 14609 • RTP, NC 27709

PHONE 919-484-8536

FAX 919-484-8540

March 3, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7009 0080 0000 3384 7012

Mr. Mark Powers
Regional Supervisor
UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, North Carolina 27699-1628

RE: Proof of Public Notice
Michael Jordan (RPM) Nissan
3930 Chapel Hill Boulevard, Durham, Durham County, North Carolina
Incident No. 15932

Dear Mr. Powers:

Enclosed please find copies of the proofs of delivery for the public notice requirements in accordance with 15A NCAC 2L .0409(b). Included for each public notice are copies of the original letter, the domestic return receipt, and the certified mail receipt. Public notices were sent out to the Durham County Director of Public Health, the Durham City Manager, and all property owners and occupants contiguous to 3930 Chapel Hill Boulevard. A certified mail receipt has not been returned from Benjamin E. Sherman & Sons and from the Durham City Manager, therefore, we have included the USPS proof of delivery from their website.

This completes the requirements of your letter of January 28 to Mr. Vrscak. Should you require any further information, please call Jack Garrison or me at (919) 484-8536.

Sincerely,

BENSINGER & GARRISON ENVIRONMENTAL, INC.

Elizabeth Newland
Environmental Scientist

EJN/gb

Attachments

cc: Ray Vrscak – Michael Jordan Nissan

MJ (RPM) Nissan/186708/DENR Proof of Public Notice ltr 3-09



Bensinger & Garrison ENVIRONMENTAL, INC.

Bluefield Engineering, P.C.

P.O. BOX 14609 • RTP, NC 27709
PHONE 919-484-8536
FAX 919-484-8540

February 13, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0000 4200 2340

Benjamin E. Sherman & Sons, Inc.
BES University Tower Fund
BES Acquisition, LLC
Suite 280
500 Lake Cook Rd
Deerfield, IL 60015

**RE: Notice of No Further Action, Former RPM Nissan, 3930 Chapel Hill Boulevard,
Durham, North Carolina**

To Whom It May Concern:

Michael Jordan Nissan, formerly RPM Nissan, has received a Notice of No Further Action Required (NFAR) for their property located at 3930 Chapel Hill Boulevard in Durham. A copy of this NFAR received from the NC Department of Environment and Natural Resources (NCDENR) is attached for your files. A release of petroleum from an underground storage tank has been investigated in accordance with NCDENR requirements. The release occurred in April of 1995.

Interested parties may examine the Groundwater Monitoring Report and submit comments on the site by contacting:

Mr. Mark Powers
Regional Supervisor – UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628
(919) 791-4200

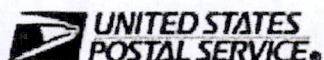
Sincerely,
BENSINGER & GARRISON ENVIRONMENTAL, INC.

Jack H. Garrison, Jr.

Vice President / Senior Environmental Consultant

JHG/gb
Attachment

cc: Mr. Ray Vrscak, Michael Jordan Nissan
RPM/186708/NFA ltrs 2-09


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Track & Confirm

Search Results

Label/Receipt Number: **7008 1140 0000 4200 2340**

Associated Label/Receipt:

Detailed Results:

- Delivered, February 17, 2009, 12:41 pm, DEERFIELD, IL 60015
- Acceptance, February 13, 2009, 3:45 pm, RESEARCH TRIANGLE PARK, NC 27709

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Sent To Benjamin E. Sherman & Sons, Inc. Street, Apt. No., or PO Box No. 500 Lake Cook Rd., Ste. 280 City, State, ZIP+4 Deerfield, IL 60015	
PS Form 3800, August 2006 See Reverse for Instructions	

7008 1140 0000 4200 2340

Postmark
Here



Bensinger & Garrison ENVIRONMENTAL, INC.

Bluefield Engineering, P.C.

P.O. BOX 14609 • RTP, NC 27709
PHONE 919-484-8536
FAX 919-484-8540

February 13, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0000 4200 2371

Mr. Thomas Bonfield
Durham City Manager
101 City Hall Plaza
Durham, NC 27701

**RE: Notice of No Further Action, RPM Nissan, 3930 Chapel Hill Boulevard,
Durham, North Carolina**

Dear Mr. Bonfield:

Michael Jordan Nissan, formerly RPM Nissan, has received a Notice of No Further Action Required (NFAR) for their property located at 3930 Chapel Hill Boulevard in Durham. A copy of this NFAR received from the NC Department of Environment and Natural Resources (NCDENR) is attached for your files. A release of petroleum from an underground storage tank has been investigated in accordance with NCDENR requirements. The release occurred in April of 1995.

Interested parties may examine the Groundwater Monitoring Report and submit comments on the site by contacting:

Mr. Mark Powers
Regional Supervisor – UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628
(919) 791-4200

Sincerely,
BENSINGER & GARRISON ENVIRONMENTAL, INC.

Jack H. Garrison, Jr.

Vice President / Senior Environmental Consultant

JHG/gb
Attachment

cc: Mr. Ray Vrscak, Michael Jordan Nissan
RPM/186708/NFA ltrs 2-09

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Track & Confirm

Search Results

Label/Receipt Number: **7008 1140 0000 4200 2371**

Associated Label/Receipt:

Detailed Results:

- Delivered, February 17, 2009, 1:27 pm, DURHAM, NC 27701
- Arrival at Unit, February 17, 2009, 11:01 am, DURHAM, NC 27703
- Acceptance, February 13, 2009, 3:45 pm, RESEARCH TRIANGLE PARK, NC 27709

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To Thomas Bonfield Durham City Mgr.	
Street, Apt. No., or PO Box No. 101 City Hall Plaza	
City, State, ZIP+4 Durham, NC 27701	
PS Form 3800, August 2006 See Reverse for Instructions	



Bensinger & Garrison
ENVIRONMENTAL, INC.
Bluefield Engineering, P.C.

P.O. BOX 14609 • RTP, NC 27709
PHONE 919-484-8536
FAX 919-484-8540

February 13, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0000 4200 2326

Precision Tune Durham, LLC
P.O. Box 31827
Raleigh, NC 27622

**RE: Notice of No Further Action, Former RPM Nissan, 3930 Chapel Hill Boulevard,
Durham, North Carolina**

To Whom It May Concern:

Michael Jordan Nissan, formerly RPM Nissan, has received a Notice of No Further Action Required (NFAR) for their property located at 3930 Chapel Hill Boulevard in Durham. A copy of this NFAR received from the NC Department of Environment and Natural Resources (NCDENR) is attached for your files. A release of petroleum from an underground storage tank has been investigated in accordance with NCDENR requirements. The release occurred in April of 1995.

Interested parties may examine the Groundwater Monitoring Report and submit comments on the site by contacting:

Mr. Mark Powers
Regional Supervisor – UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628
(919) 791-4200

Sincerely,
BENSINGER & GARRISON ENVIRONMENTAL, INC.

Jack H. Garrison, Jr.
Vice President / Senior Environmental Consultant

JHG/gb
Attachment
cc: Mr. Ray Vrscak, Michael Jordan Nissan
RPM/186708/NFA ltrs 2-09

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <i>Ellen L. Spinnery</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Precision Tune Durham, LLC PO Box 31827 Raleigh, NC 27622		B. Received by (Printed Name) <i>Ellen L. Spinnery</i>	
		C. Date of Delivery 2/25/04	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7008 1140 0000 4200 2326	
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102595-02-M-1540

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To Precision Tune Durham, LLC	
Street, Apt. No., or PO Box No. PO Box 31827	
City, State, ZIP+4 Raleigh, NC 27622	
PS Form 3800, August 2006 See Reverse for Instructions	



Bensinger & Garrison ENVIRONMENTAL, INC.

Bluefield Engineering, P.C.

P.O. BOX 14609 • RTP, NC 27709
PHONE 919-484-8536
FAX 919-484-8540

February 13, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0000 4200 2319

Frances Parker
BRE/ESA TX Properties, LP
100 Dunbar Street
Spartanburg, SC 29306

**RE: Notice of No Further Action, Former RPM Nissan, 3930 Chapel Hill Boulevard,
Durham, North Carolina**

Dear Frances Parker:

Michael Jordan Nissan, formerly RPM Nissan, has received a Notice of No Further Action Required (NFAR) for their property located at 3930 Chapel Hill Boulevard in Durham. A copy of this NFAR received from the NC Department of Environment and Natural Resources (NCDENR) is attached for your files. A release of petroleum from an underground storage tank has been investigated in accordance with NCDENR requirements. The release occurred in April of 1995.

Interested parties may examine the Groundwater Monitoring Report and submit comments on the site by contacting:

Mr. Mark Powers
Regional Supervisor – UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628
(919) 791-4200

Sincerely,
BENSINGER & GARRISON ENVIRONMENTAL, INC.

Jack H. Garrison, Jr.

Vice President / Senior Environmental Consultant

JHG/gb

Attachment

cc: Mr. Ray Yrscak, Michael Jordan Nissan

RPM/186708/NFA ltrs 2-09

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <i>Ken Morrow</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Ken Morrow C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: ✓</p>	
<p>1. Article Addressed to:</p> <p>Frances Parker BRE/ESA TX Properties, LP 100 Dunbar St. Spartanburg, SC 29306</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	

7008 1140 0000 4200 2319

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Return Receipt Fee (Endorsement Required)	\$2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
<p>Sent To Frances Parker BRE/ESA TX Properties, LP</p> <p>Street, Apt. No.; or PO Box No. 100 Dunbar St.</p> <p>City, State, ZIP+4 Spartanburg, SC 29306</p>	
<p>PS Form 3800, August 2006 See Reverse for Instructions</p>	



Bensinger & Garrison ENVIRONMENTAL, INC.

Bluefield Engineering, P.C.

P.O. BOX 14609 • RTP, NC 27709
PHONE 919-484-8536
FAX 919-484-8540

February 13, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0000 4200 2296

Boulevard Investment Properties, LLC
Suite 110
1515 W NC Hwy 54
Durham, NC 27707

**RE: Notice of No Further Action, Former RPM Nissan, 3930 Chapel Hill Boulevard,
Durham, North Carolina**

To Whom It May Concern:

Michael Jordan Nissan, formerly RPM Nissan, has received a Notice of No Further Action Required (NFAR) for their property located at 3930 Chapel Hill Boulevard in Durham. A copy of this NFAR received from the NC Department of Environment and Natural Resources (NCDENR) is attached for your files. A release of petroleum from an underground storage tank has been investigated in accordance with NCDENR requirements. The release occurred in April of 1995.

Interested parties may examine the Groundwater Monitoring Report and submit comments on the site by contacting:

Mr. Mark Powers
Regional Supervisor – UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628
(919) 791-4200

Sincerely,
BENSINGER & GARRISON ENVIRONMENTAL, INC.

Jack H. Garrison, Jr.
Vice President / Senior Environmental Consultant

JHG/gb

Attachment

cc: Mr. Ray Vrscek, Michael Jordan Nissan

RPM/186708/NFA ltrs 2-09

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <i>*Gail Embser</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>GAIL EMBSE</i></p> <p>C. Date of Delivery <i>2/17/09</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Boulevard Investment Properties, LLC Suite 110 1515 W. NC Hwy 54 Durham, NC 27707</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7008 1140 0000 4200 2296</p>	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

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Return Receipt Fee (Endorsement Required)	\$2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
<p>Sent To Boulevard Investment Properties, LLC</p> <p>Street, Apt. No., or PO Box No. Ste. 110, 1515 W. NC Hwy 54</p> <p>City, State, ZIP+4 Durham, NC 27707</p>	
PS Form 3800, August 2006 See Reverse for Instructions	



Bensinger & Garrison ENVIRONMENTAL, INC.

Bluefield Engineering, P.C.

P.O. BOX 14609 • RTP, NC 27709
PHONE 919-484-8536
FAX 919-484-8540

February 13, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0000 4200 2357

Mr. Harold G. Bagwell
P.O. Box 1700
Garner, NC 27529

**RE: Notice of No Further Action, Former RPM Nissan, 3930 Chapel Hill Boulevard,
Durham, North Carolina**

Dear Mr. Bagwell:

Michael Jordan Nissan, formerly RPM Nissan, has received a Notice of No Further Action Required (NFAR) for their property located at 3930 Chapel Hill Boulevard in Durham. A copy of this NFAR received from the NC Department of Environment and Natural Resources (NCDENR) is attached for your files. A release of petroleum from an underground storage tank has been investigated in accordance with NCDENR requirements. The release occurred in April of 1995.

Interested parties may examine the Groundwater Monitoring Report and submit comments on the site by contacting:

Mr. Mark Powers
Regional Supervisor – UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628
(919) 791-4200

Sincerely,
BENSINGER & GARRISON ENVIRONMENTAL, INC.

Jack H. Garrison, Jr.
Vice President / Senior Environmental Consultant

JHG/gb

Attachment

cc: Mr. Ray Vrscak, Michael Jordan Nissan
RPM/186708/NFA ltrs 2-09

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Harold G. Bagwell
PO Box 1700
Garner, NC 27529

2. Article Number
(Transfer from service label)

7008 1140 0000 4200 2357

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *H. Bagwell*☐ Agent☐ Addressee

B. Received by (Printed Name)

H. Bagwell

C. Date of Delivery

8/2/18

D. Is delivery address different from Item 1?
If YES, enter delivery address below:☐ Yes☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

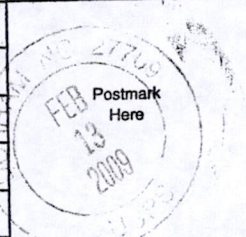
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To

Harold G. Bagwell

Street, Apt. No.,
or PO Box No.

PO Box 1700

City, State, ZIP+4

Garner, NC 27529

PS Form 3800, August 2006

See Reverse for Instructions



Bensinger & Garrison

ENVIRONMENTAL, INC.

Bluefield Engineering, P.C.

P.O. BOX 14609 • RTP, NC 27709
PHONE 919-484-8536
FAX 919-484-8540

February 13, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0000 4200 2388

Ms. Gayle Harris
Director of Public Health
Department of Public Health
414 E. Main Street
Durham, NC 27701

**RE: Notice of No Further Action, RPM Nissan, 3930 Chapel Hill Boulevard,
Durham, North Carolina**

Dear Ms. Harris:

Michael Jordan Nissan, formerly RPM Nissan, has received a Notice of No Further Action Required (NFAR) for their property located at 3930 Chapel Hill Boulevard in Durham. A copy of this NFAR received from the NC Department of Environment and Natural Resources (NCDENR) is attached for your files. A release of petroleum from an underground storage tank has been investigated in accordance with NCDENR requirements. The release occurred in April of 1995.

Interested parties may examine the Groundwater Monitoring Report and submit comments on the site by contacting:

Mr. Mark Powers
Regional Supervisor – UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628
(919) 791-4200

Sincerely,
BENSINGER & GARRISON ENVIRONMENTAL, INC.

Jack H. Garrison, Jr.

Vice President / Senior Environmental Consultant

JHG/gb
Attachment

cc: Mr. Ray Vrscek, Michael Jordan Nissan

RPM/186708/NFA ltrs 2-09

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Gayle Harris
Director of Public Health
Dept. of Public Health
414 E. Main St.
Durham, NC 27701

2. Article Number
(Transfer from service label)

7008 1140 0000 4200 2388

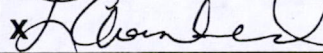
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature



- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

L. Chamberlain

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

✓

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

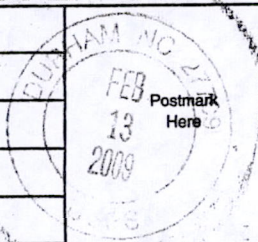
4. Restricted Delivery? (Extra Fee) ☐ Yes

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Return Receipt Fee (Endorsement Required)	\$2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To Gayle Harris Dept. of Public Health
Street, Apt. No., or PO Box No. 414 E. Main St.
City, State, ZIP+4 Durham, NC 27701

PS Form 3800, August 2006

See Reverse for Instructions



Bensinger & Garrison ENVIRONMENTAL, INC.

Bluefield Engineering, P.C.

P.O. BOX 14609 • RTP, NC 27709
PHONE 919-484-8536
FAX 919-484-8540

February 13, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0000 4200 2364

Mr. Mike Ruffin
Durham County Manager
200 E. Main Street, 2nd Floor
Durham, NC 27701

**RE: Notice of No Further Action, Former RPM Nissan, 3930 Chapel Hill Boulevard,
Durham, North Carolina**

Dear Mr. Ruffin:

Michael Jordan Nissan, formerly RPM Nissan, has received a Notice of No Further Action Required (NFAR) for their property located at 3930 Chapel Hill Boulevard in Durham. A copy of this NFAR received from the NC Department of Environment and Natural Resources (NCDENR) is attached for your files. A release of petroleum from an underground storage tank has been investigated in accordance with NCDENR requirements. The release occurred in April of 1995.

Interested parties may examine the Groundwater Monitoring Report and submit comments on the site by contacting:

Mr. Mark Powers
Regional Supervisor – UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628
(919) 791-4200

Sincerely,
BENSINGER & GARRISON ENVIRONMENTAL, INC.

Jack H. Garrison, Jr.
Vice President / Senior Environmental Consultant

JHG/gb

Attachment

cc: Mr. Ray Vrscak, Michael Jordan Nissan
RPM/186708/NFA ltrs 2-09

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Mike Ruffin
Durham County Manager
200 E. Main St., 2nd Floor
Durham, NC 27701

2. Article Number

(Transfer from service label)

7008 1140 0000 4200 2364

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *John Bass*☒ Agent☐ Addressee

B. Received by (Printed Name)

JOHN BASS

C. Date of Delivery

2/17/09

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

✓

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

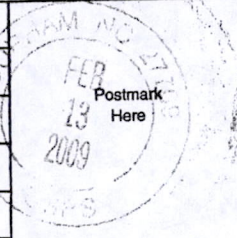
U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com**OFFICIAL USE**

Postage	\$
Certified Fee	\$2.70
Return Receipt Fee (Endorsement Required)	\$2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To

Mike Ruffin Durham Co. Manager

Street, Apt. No.,
or PO Box No.

200 E. Main St., 2nd Floor

City, State, ZIP+4

Durham, NC 27701

PS Form 3800, August 2006

See Reverse for Instructions



Bensinger & Garrison ENVIRONMENTAL, INC.

Bluefield Engineering, P.C.

P.O. BOX 14609 • RTP, NC 27709
PHONE 919-484-8536
FAX 919-484-8540

February 13, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0000 4200 2333

The Parc at University Tower
Main Office
20 Morcroft Lane
Durham, NC 27707

**RE: Notice of No Further Action, Former RPM Nissan, 3930 Chapel Hill Boulevard,
Durham, North Carolina**

To Whom It May Concern:

Michael Jordan Nissan, formerly RPM Nissan, has received a Notice of No Further Action Required (NFAR) for their property located at 3930 Chapel Hill Boulevard in Durham. A copy of this NFAR received from the NC Department of Environment and Natural Resources (NCDENR) is attached for your files. A release of petroleum from an underground storage tank has been investigated in accordance with NCDENR requirements. The release occurred in April of 1995.

Interested parties may examine the Groundwater Monitoring Report and submit comments on the site by contacting:

Mr. Mark Powers
Regional Supervisor – UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628
(919) 791-4200

Sincerely,
BENSINGER & GARRISON ENVIRONMENTAL, INC.

Jack H. Garrison, Jr.
Vice President / Senior Environmental Consultant

JHG/gb
Attachment

cc: Mr. Ray Vrscek, Michael Jordan Nissan
RPM/186708/NFA ltrs 2-09

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="margin-left: 40px;">The Parc at University Tower Main Office 20 Morcroft Lane Durham, NC 27707</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center; font-size: 1.2em;">7008 1140 0000 4200 2333</p>
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

7008 1140 0000 4200 2333

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

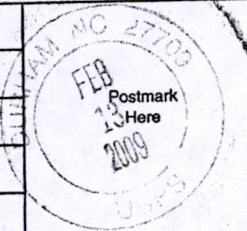
OFFICIAL USE

Postage	\$	
Certified Fee	\$2.70	
Return Receipt Fee (Endorsement Required)	\$2.20	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

The Parc at University Tower
 Main Office - 20 Morcroft Lane
 Durham, NC 27707

PS Form 3800, August 2006
See Reverse for Instructions





Bensinger & Garrison ENVIRONMENTAL, INC.

Bluefield Engineering, P.C.

P.O. BOX 14609 • RTP, NC 27709
PHONE 919-484-8536
FAX 919-484-8540

February 13, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0000 4200 2302

Extended Stay America
Efficiency Studio
3105 Durham Chapel Hill Boulevard
Durham, NC 27707

**RE: Notice of No Further Action, Former RPM Nissan, 3930 Chapel Hill Boulevard,
Durham, North Carolina**

To Whom It May Concern:

Michael Jordan Nissan, formerly RPM Nissan, has received a Notice of No Further Action Required (NFAR) for their property located at 3930 Chapel Hill Boulevard in Durham. A copy of this NFAR received from the NC Department of Environment and Natural Resources (NCDENR) is attached for your files. A release of petroleum from an underground storage tank has been investigated in accordance with NCDENR requirements. The release occurred in April of 1995.

Interested parties may examine the Groundwater Monitoring Report and submit comments on the site by contacting:

Mr. Mark Powers
Regional Supervisor – UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628
(919) 791-4200

Sincerely,
BENSINGER & GARRISON ENVIRONMENTAL, INC.

Jack H. Garrison, Jr.

Vice President / Senior Environmental Consultant

JHG/gb

Attachment

cc: Mr. Ray Vrscak, Michael Jordan Nissan

RPM/186708/NFA ltrs 2-09

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <u><i>[Signature]</i></u></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><u>DOUGLAS EVANS</u> <u>14-FEB-09</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center; font-size: 2em;">✓</p>
<p>1. Article Addressed to:</p> <p>Extended Stay America Efficiency Studio 3105 Durham Chapel Hill Blvd. Durham, NC 27707</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="font-size: 1.2em; text-align: center;">7008 1140 0000 4200 2302</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

7008 1140 0000 4200 2302

U.S. Postal Service TM
CERTIFIED MAIL TM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	
Certified Fee	\$2.70	
Return Receipt Fee (Endorsement Required)	\$2.20	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Extended Stay America

Street, Apt. No.,
or PO Box No. 3105 Durham Chapel Hill Blvd.

City, State, ZIP+4 Durham, NC 27707

PS Form 3800, August 2006
See Reverse for Instructions



Bensinger & Garrison ENVIRONMENTAL, INC.

Bluefield Engineering, P.C.

P.O. BOX 14609 • RTP, NC 27709
PHONE 919-484-8536
FAX 919-484-8540

February 13, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0000 4200 2289

Peak Fitness
3900 Chapel Hill Boulevard
Durham, NC 27707

**RE: Notice of No Further Action, Former RPM Nissan, 3930 Chapel Hill Boulevard,
Durham, North Carolina**

To Whom It May Concern:

Michael Jordan Nissan, formerly RPM Nissan, has received a Notice of No Further Action Required (NFAR) for their property located at 3930 Chapel Hill Boulevard in Durham. A copy of this NFAR received from the NC Department of Environment and Natural Resources (NCDENR) is attached for your files. A release of petroleum from an underground storage tank has been investigated in accordance with NCDENR requirements. The release occurred in April of 1995.

Interested parties may examine the Groundwater Monitoring Report and submit comments on the site by contacting:

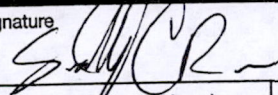
Mr. Mark Powers
Regional Supervisor – UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628
(919) 791-4200

Sincerely,
BENSINGER & GARRISON ENVIRONMENTAL, INC.

Jack H. Garrison, Jr.
Vice President / Senior Environmental Consultant

JHG/gb
Attachment

cc: Mr. Ray Vrscak, Michael Jordan Nissan
RPM/186708/NFA ltrs 2-09

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: Peak Fitness 3900 Chapel Hill Boulevard Durham, NC 27707		B. Received by (Printed Name)	C. Date of Delivery 2-14-09
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7008 1140 0000 4200 2289	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	\$2.70
Return Receipt Fee (Endorsement Required)	\$2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To Peak Fitness Street, Apt. No., or PO Box No. 3900 Chapel Hill Blvd. City, State, ZIP+4 Durham, NC 27707	
PS Form 3800, August 2006 See Reverse for Instructions	

7008 1140 0000 4200 2289

Postmark Here
FEB 18 2009

STATE OF NORTH CAROLINA

Department of Environment and Natural Resources

Raleigh Regional Office

3800 Barrett Drive

Raleigh, North Carolina 27609

919-571-4700

SECTION U.S.T. File Access Record
DATE 8/22/03
NAME Donna Walker
REPRESENTING Coles ENG

Guidelines for Access: The staff of the Raleigh Regional Office is dedicated to making public records in our custody readily available to the public for review and copying. We also have the responsibility to the public to safeguard these records and to carry out our day-to-day program obligations. Please read carefully the following guidelines before signing the form:

1. Please call for an appointment with Appointments
will be scheduled between 9:00 a.m. and 3:00 p.m., Tuesday through Thursday.
Viewing time ends at 4:00 p.m.
2. You must specify files you want to review by facility name, address or incident
number. The number of files that you may review at one time will be limited to five.
3. You may make copies of a file when the copier is not in use by the staff and if time permits. Cost per copy is 10 cents for ALL copies if you make more than 25
copies-there is no charge for less than 25 copies; payment may also be made by
check, money order, or cash at the reception desk. Your company can also be invoiced.
4. **FILES MUST BE KEPT IN THE ORDER YOU FOUND THEM.** Files may not be taken from the office. To remove, alter, deface, mutilate, or destroy material in one of these files is a misdemeanor for which you can be fined up to \$500.00.
5. In accordance with General Statute 25-3-506, a \$25.00 processing fee will be charged and collected for checks on which payment has been refused.

	Facility Name	Incident number	County
1.	<u>Northen Telecom</u>	<u>11000</u>	<u>DR</u> <u>8/94</u>
2.	<u>Bridgestone</u>	<u>20297</u>	<u>DR</u> <u>7/99</u>
3.	<u>RPM Nissan</u>	<u>15932</u>	<u>DR</u>

[Signature] 8/26/03 3:00-4:00
Signature / Date Time In / Time Out

Please attach a business card if possible

STATE OF NORTH CAROLINA

Department of Environment and Natural Resources
Raleigh Regional Office
3800 Barrett Drive, Suite 101, Raleigh, NC 27609
919/571-4700

File Access Record

SECTION	UST/GW
TIME/DATE	Friday, May 21, 1999
NAME	Katie Cirilis
REPRESENTING	Environmental Investigations (919) 544-7500

Guidelines for Access: The staff of the Raleigh Regional Office is dedicated to making public records in our custody readily available to the public for review and copying. We also have the responsibility to the public to safeguard these records and to carry out our day-to-day program obligations. **Please read carefully the following guidelines before signing the form:**

1. We prefer that you call at least a day in advance to schedule an appointment to review the files. **Appointments will be scheduled between 9:00 a.m. and 3:00 p.m.** Viewing time ends at 5:00 p.m. **Anyone arriving without an appointment may view the files to the extent that time and staff supervision is available.**
2. You must specify files you want to review **by facility name**. The number of files that you may review at one time will be limited to five.
3. You may make copies of a file when the copier is not in use by the staff and if time permits. **Cost per copy is 10 cents for ALL copies if you make more than 25 copies - there is no charge for less than 25 copies; payment may be made by check, money order, or cash at the reception desk. You can also be invoiced.**
4. **FILES MUST BE KEPT IN THE ORDER YOU FOUND THEM.** Files may not be taken from the office. To remove, alter, deface, mutilate, or destroy material in one of these files is a misdemeanor for which you can be fined up to \$500.00.
5. In accordance with General Statute 25-3-512, a \$20.00 processing fee will be charged and collected for checks on which payment has been refused.

	<u>FACILITY NAME</u>	<u>COUNTY</u>
1.	RPM Nissan — ID #15932	Durham
2.		
3.		
4.		
5.		

Katie Cirilis / EF 1.5/21/99
Signature and Name of Firm/Business Date
Please attach a business card to this form

1:45 2:30
Time In Time Out

IncName :	RPM NISSAN	CinupStart :	
Incident# :	15932	Other :	FU
Assign :	STA	Completion :	RP
SiteRank :	60E	CSAdue :	4/22/96
Street Address :	3930 CHAPEL HILL BOULEVARD	CSArec'd :	5/20/96
City/Town :	DURHAM	CSArev'd :	
Co :	DR	CAPdue :	4/22/96
Source :	UST	CAPrec'd :	
Gen Contaminants :		CAPrev'd :	
GW impacted (T/F):	True	CAPappr'd :	
FreeProduct (T/F):		CAP type :	
Monitoring? (T/F):	True	Closeout date :	

UST C/N :

C

FedLIST R/N :

R

STAR Spt :

2

Lookup Tables available if blue

Brief Comments : PIRF'D 5/96--PP...CSA AND CAP DUE APRIL 96...

Extended Notes :

Owner/Operator and Potential RP info

Owner <Owner/Operator> : MR. PASCARELLA
<Ow/Op> Company : RPM NISSAN
<Ow/Op> Telephone :
<Ow/Op> Mailing Address : 3930 CHAPEL HILL BLVD.
<Ow/Op> City : DURHAM
<Ow/Op> State : NC
<Ow/Op> Zip Code : 27707

State Trust Fund info

Number of entries :
LABEL
LABEL
Sum(Claim Amt) :

Calculated fields - do not edit

Groundwater Monitoring Info

DATE LATEST RPT : 4/24/96 CONSULTNT : SITEX
DATE OF LAST RPT REVD : LAB CERT.# :
CONT.LEVEL :
METHOD/PARAMETERS :



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue, Governor

Division of Waste Management
UST Section

Dee Freeman, Secretary
Dexter R. Matthews, Director

February 26, 2009

Ray Vrscak
Michael Jordan Nissan
3930 Chapel Hill Blvd.
Durham, NC 27707


Re: Acknowledgement of Report Receipt
RPM Nissan
3930 Chapel Hill Blvd., Durham
Durham County
Incident Number: 15932
Risk Classification: Low
Ranking: 15R

Dear Mr. Vrscak:

The UST Section is in receipt of the Notice of Residual Petroleum filed with the Durham County Register of Deeds, received by this office on February 16, 2009. The information has been reviewed and will be maintained in the Raleigh Regional Office.

If you have questions regarding the information contained in this letter, please contact me at the address or telephone number listed below.

Sincerely,


Wayne E. Randolph
Hydrogeologist II
Raleigh Regional Office

cc: Jack H. Garrison, Jr. – Bensinger & Garrison Environmental, Inc.
PO Box 14609, RTP, NC 27709, NC 27606
RRO UST Incident files/WER

UST Regional Offices

Asheville (ARO) – 2090 US Highway 70, Swannanoa, NC 28778 (828) 296-4500

Fayetteville (FAY) – 225 Green Street, Suite 714, Systel Building, Fayetteville, NC 28301 (910) 433-3300

Mooreville (MOR) – 610 East Center Avenue, Suite 301, Mooreville, NC 28115 (704) 663-1699

Raleigh (RRO) – 1628 Mail Service Center, Raleigh, NC 27699 (919) 791-4200



Bensinger & Garrison
ENVIRONMENTAL, INC.
Bluefield Engineering, P.C.

FEB 16 2009

DENR RALEIGH REGIONAL OFFICE

P.O. BOX 14609 • RTP, NC 27709
PHONE 919-484-8536
FAX 919-484-8540

February 13, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0000 4200 2654

Mr. Mark Powers
Regional Supervisor – UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628

**RE: Certified Copy – Notice of Residual Petroleum
RPM Nissan
Incident No. 15932**

Dear Mr. Powers:

Please find enclosed a certified copy of the above referenced notice as required by your letter dated January 28, 2009.

Should you require any further information, please call me or Jack Garrison at (919) 484-8536.

Sincerely,

BENSINGER & GARRISON ENVIRONMENTAL, INC.

Elizabeth Newland
Environmental Scientist

EJN/gb

Enclosures

RPM/186708/Certified Notice of Residual Petroleum DENR ltr 2-09



2009002979

FOR REGISTRATION REGISTER OF DEEDS
Willie L. Covington
DURHAM COUNTY, NC
2009 FEB 03 10:03:54 AM
BK:6135 PG:467-471 FEE:\$23.00

INSTRUMENT # 2009002979

NOTICE OF RESIDUAL PETROLEUM

Return to:

Michael Jordan (RPM) Nissan,
3930 Chapel Hill Boulevard,
Durham, Durham County, North Carolina

27707

The property that is the subject of this Notice (hereinafter referred to as the "Site") contains residual petroleum and is an Underground Storage Tank (UST) incident under North Carolina's Statutes and Regulations, which consist of N.C.G.S. 143-215.94 and regulations adopted thereunder. This Notice is part of a remedial action for the Site that has been approved by the Secretary (or his/her delegate) of the North Carolina Department of Environment and Natural Resources (or its successor in function), as authorized by N.C.G.S. Section 143B-279.9 and 143B-279.11. The North Carolina Department of Environment and Natural Resources shall hereinafter be referred to as "DENR".

NOTICE

Petroleum product was released and/or discharged at the Site. Petroleum constituents remain on the site, but are not a danger to public health and the environment, provided that the restrictions described herein, and any other measures required by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, are strictly complied with. This "Notice of Residual Petroleum" is composed of a description of the property, the location of the residual petroleum and the land use restrictions on the Site. The Notice has been approved and notarized by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the Durham County Register of Deeds' office Book ____, Page ____.

Source Property

Capital City Development, Inc., of Washington, DC is the owner in fee simple of all or a portion of the Site, which is located in the County of Durham, State of North Carolina, and is known and legally described as:

A certain tract or parcel of land in Durham, Durham County, North Carolina, more particularly described as follows:

BEING commonly known as 3930 Chapel Hill Boulevard, Durham, North Carolina, BEGINNING at an existing iron pipe located South 79° 37' 34" West 1,632.38 feet from N.C.G.S. "Homestead", having grid coordinates of N=808437.025 and E=2014636.925, designated "Control Corner"; running thence from said point and place of beginning along and with the Northern boundary of right-of-way of U.S. Highway 15-501 Business South 71° 57' 49" West 325.83 feet to an iron pipe; thence leaving said right-of-way and running North 17° 52' 28" West 385.34 feet to an iron pipe in the southern property line of Lot 2, M.B. 112 pg. 172; running thence along with the southern boundary line of said Lot 2 North 77° 08' 06" East 96.66 feet to an iron pipe designated "Control Corner", southwest corner of now or formerly Gladys R. Pickett South 86° 26' 09" East 17.65 feet to an existing iron pipe; thence North 74° 41' 43" East 213.60 feet to an existing iron pipe marking the northwest corner of now or formerly Delta Durham Associates D.B. 1111 pg. 934; running thence along with the western property line of Delta Durham Associates and Wards Company South 17° 49' 48" East 359.95 feet to an existing iron pipe on the North side of U.S. Highway 15-501 Business designated "Control Corner", the point and place of beginning, and being all of Lot 4 containing 2.77 acres more or less, all in accordance with a survey by John Y. Phelps, Jr., Registered Surveyor, dated September 11, 1990.

PERPETUAL LAND USE RESTRICTIONS

Groundwater: Groundwater from the site is prohibited from use as a water supply. Water supply wells of any kind shall not be installed or operated on the site.

ENFORCEMENT

The above land use restriction(s) shall be enforced by any owner, operator, or other party responsible for the Site. The above land use restriction(s) may also be enforced by DENR through any of the remedies provided by law or by means of a civil action, and may also be enforced by any unit of local government having jurisdiction over any part of the Site. Any attempt to cancel this Notice without the approval of DENR (or its successor in function) shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required or authorized to enforce any of the above restriction(s) shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

IN WITNESS WHEREOF, Michael Jordan (RPM) Nissan has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 19th day of January 2009.

Michael Jordan (RPM) Nissan

(name of responsible party if agent is signing)

By:

(signature of attorney or other agent if there is one)

(Title of agent for responsible party if there is one)

Signatory's name typed or printed: Ray Vrscak

NORTH CAROLINA
WAKE COUNTY

I, KAREN D. CZADDOCK, a Notary Public for said County and State, do hereby certify that
RAYMOND J. VRSCAK Personally came before me this day and acknowledged that he is
AGENT of RECORD and acknowledged, on behalf of
MICHAEL JORDAN NISSAN, the grantor the due execution of the foregoing instrument.

WITNESS my hand and official seal, this the 23rd day of JAN., 2009.




Notary Public (signature)

My commission expires 4-15-2012, 2009."

Approved for the purposes of N.C.G.S. 143B-279.11

Mark R. Powers

(signature of Regional Supervisor)

MARK R. POWERS, Regional Supervisor
(printed name of Regional Supervisor)

Raleigh Regional Office
UST Section
Division of Waste Management
Department of Environment and Natural Resources

NORTH CAROLINA
Wake COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Mark R. Powers (full printed name of Regional Supervisor)

Date:

1/28/09

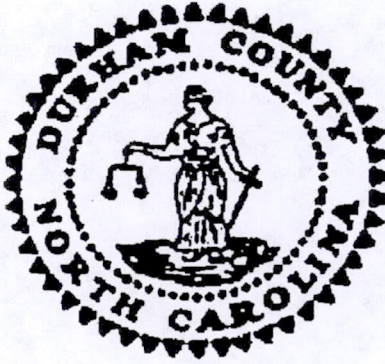
Notary Public

Karen N. Moore



My commission expires:

2/16/2013



WILLIE L. COVINGTON
REGISTER OF DEEDS, DURHAM COUNTY
DURHAM COUNTY COURTHOUSE
200 E. MAIN STREET
DURHAM, NC 27701

PLEASE RETAIN YELLOW TRAILER PAGE

It is part of recorded document, and must be submitted with original for re-recording
and/or cancellation.

Filed For Registration: 02/03/2009 10:03:54 AM
Book: RE 6135 Page: 467-471
Document No.: 2009002979
NOTICE 5 PGS \$23.00
Recorder: SHARON M CEARNEL



2009002979



North Carolina Department of Environment and Natural Resources
Division of Waste Management
Underground Storage Tank Section

January 28, 2009

Ray Vrscak
Michael Jordan Nissan
3930 Chapel Hill Blvd.
Durham, NC 27707

Re: Notice of No Further Action
15A NCAC 2L .0407(d)
Risk-based Assessment and Corrective Action
for Petroleum Underground Storage Tanks

RPM Nissan
3930 Chapel Hill Blvd., Durham
Durham County
Incident Number: 15932
Risk Classification: Low
Ranking: 15R

Dear Mr. Vrscak:

The Limited Site Assessment received by the Underground Storage Tank (UST) Section, Raleigh Regional Office on December 23, 2008 and the Notice of Residual Petroleum received on January 26, 2009 have been reviewed. The review indicates that groundwater contamination meets the cleanup requirements for a low-risk site but exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202.

The UST Section determines that no further action is warranted for this incident. This determination shall apply unless the UST Section later finds that the discharge or release poses an unacceptable risk or a potentially unacceptable risk to human health or the environment. Pursuant to Title 15A NCAC 2L .0407(a) you have a continuing obligation to notify the Department of any changes that might affect the risk or land use classifications that have been assigned.

Be advised that as groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, groundwater within the area of contamination or within the area where groundwater contamination is expected to migrate is not suitable for use as a water supply, as stipulated in the Notice of Residual Petroleum (attached).

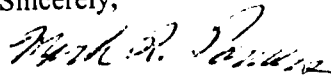
As groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, pursuant to NCGS 143B-279.9 and 143B-279.11, you must file the approved Notice of Residual Petroleum (attached) with the Register of Deeds in the county in which the release is located and submit a certified copy to the UST Section within 30 days of receipt of this letter. This No Further Action determination will not become valid until the UST Section receives a certified copy of the Notice of Residual Petroleum which is filed with the Register of Deeds.

As groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, public notice in accordance with 15A NCAC 2L .0409(b) also is required. Thus, within 30 days of receipt of this letter, a copy of the letter must be provided by certified mail, or by posting in a prominent place, if certified mail is impractical, to the local health director, the chief administrative officer of each political jurisdiction in which the contamination occurs, all property owners and occupants within or contiguous to the area containing contamination, and all property owners and occupants within or contiguous to the area where the contamination is expected to migrate. Within 60 days of receiving this no further action letter, this office must be provided with proof of receipt of the copy of the letter or of refusal by the addressee to accept delivery of the copy of the letter or with a description of the manner in which the letter was posted. This No Further Action determination will not become valid until public notice requirements are completed. Interested parties may examine the Limited Site Assessment by contacting this regional office and may submit comments on the site to the regional office at the address or telephone number listed below.

This No Further Action determination applies only to the subject incident; for any other incidents at the subject site, the responsible party must continue to address contamination as required.

If you have any questions regarding this notice, please contact me at the address or telephone number listed below.

Sincerely,



Mark R. Powers
Regional Supervisor
UST Section, DWM, NCDENR
Raleigh Regional Office

Attachments: Notice of Residual Petroleum

cc: Jack H. Garrison, Jr. – Bensinger & Garrison Environmental, Inc.
PO Box 14609, RTP, NC 27709, NC 27606
RRO UST Incident files/WER

UST Regional Offices

Asheville (ARO) – 2090 US Highway 70, Swannanoa, NC 28778 (828) 296-4500
Fayetteville (FAY) – 225 Green Street, Suite 714, Systel Building, Fayetteville, NC 28301 (910) 433-3300
Mooresville (MOR) – 610 East Center Avenue, Suite 301, Mooresville, NC 28115 (704) 663-1699
Raleigh (RRO) – 1628 Mail Service Center, Raleigh, NC 27699 (919) 791-4200
Washington (WAS) – 943 Washington Square Mall, Washington, NC 27889 (252) 946-6481
Wilmington (WIL) – 127 Cardinal Drive Extension, Wilmington, NC 28405 (910) 796-7215
Winston-Salem (WS) – 585 Waughtown Street, Winston-Salem, NC 27107 (336) 771-5000
Guilford County Environmental Health, 1203 Maple Street, Greensboro, NC 27405, (336) 641-3771
FTP: NFA low-NRP NOR0907.dot

JAN 26 2009

January 26, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7006 0100 0001 8188 3111

Mr. Mark Powers
UST Section
NCDENR – Division of Waste Management
Raleigh Regional Office
1628 Mail Service Center
Raleigh, North Carolina 27699-1628

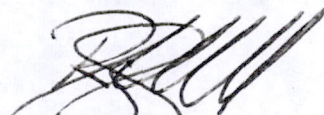
**RE: Notice of Residual Petroleum
Michael Jordan (RPM) Nissan
3930 Chapel Hill Boulevard, Durham, Durham County, North Carolina
Incident No. 15932**

Dear Mr. Powers:

Please find enclosed one copy of the above referenced notice as required by NCGS 143B-279.9 and 143B-279.11. The notice contains descriptions of the property containing the source of contamination as well as appropriate land use restrictions. Once approved and notarized, please return the notice to me for filing with the Durham County Register of Deeds.

Should you require any further information, please call me at (919) 489-3800 or Jack Garrison of Bensinger & Garrison Environmental, Inc. at (919) 484-8536.

Sincerely,
MICHAEL JORDAN NISSAN



Ray Vrscak

Attachments

Orig NRP
Sent to
Ray Vrscek

NOTICE OF RESIDUAL PETROLEUM

Michael Jordan (RPM) Nissan,
3930 Chapel Hill Boulevard,
Durham, Durham County, North Carolina

The property that is the subject of this Notice (hereinafter referred to as the "Site") contains residual petroleum and is an Underground Storage Tank (UST) incident under North Carolina's Statutes and Regulations, which consist of N.C.G.S. 143-215.94 and regulations adopted thereunder. This Notice is part of a remedial action for the Site that has been approved by the Secretary (or his/her delegate) of the North Carolina Department of Environment and Natural Resources (or its successor in function), as authorized by N.C.G.S. Section 143B-279.9 and 143B-279.11. The North Carolina Department of Environment and Natural Resources shall hereinafter be referred to as "DENR".

NOTICE

Petroleum product was released and/or discharged at the Site. **Petroleum constituents remain on the site, but are not a danger to public health and the environment, provided that the restrictions described herein, and any other measures required by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, are strictly complied with.** This "Notice of Residual Petroleum" is composed of a description of the property, the location of the residual petroleum and the land use restrictions on the Site. The Notice has been approved and notarized by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the Durham County Register of Deeds' office Book ____, Page ____.

Source Property

Capital City Development, Inc., of Washington, DC is the owner in fee simple of all or a portion of the Site, which is located in the County of Durham, State of North Carolina, and is known and legally described as:

A certain tract or parcel of land in Durham, Durham County, North Carolina, more particularly described as follows:

BEING commonly known as 3930 Chapel Hill Boulevard, Durham, North Carolina, BEGINNING at an existing iron pipe located South 79° 37' 34" West 1,632.38 feet from N.C.G.S. "Homestead", having grid coordinates of N=808437.025 and E=2014636.925, designated "Control Corner"; running thence from said point and place of beginning along and with the Northern boundary of right-of-way of U.S. Highway 15-501 Business South 71° 57' 49" West 325.83 feet to an iron pipe; thence leaving said right-of-way and running North 17° 52' 28" West 385.34 feet to an iron pipe in the southern property line of Lot 2, M.B. 112 pg. 172; running thence along with the southern boundary line of said Lot 2 North 77° 08' 06" East 96.66 feet to an iron pipe designated "Control Corner", southwest corner of now or formerly Gladys R. Pickett South 86° 26' 09" East 17.65 feet to an existing iron pipe; thence North 74° 41' 43" East 213.60 feet to an existing iron pipe marking the northwest corner of now or formerly Delta Durham Associates D.B. 1111 pg. 934; running thence along with the western property line of Delta Durham Associates and Wards Company South 17° 49' 48" East 359.95 feet to an existing iron pipe on the North side of U.S. Highway 15-501 Business designated "Control Corner", the point and place of beginning, and being all of Lot 4 containing 2.77 acres more or less, all in accordance with a survey by John Y. Phelps, Jr., Registered Surveyor, dated September 11, 1990.

PERPETUAL LAND USE RESTRICTIONS

Groundwater: Groundwater from the site is prohibited from use as a water supply. Water supply wells of any kind shall not be installed or operated on the site.

ENFORCEMENT

The above land use restriction(s) shall be enforced by any owner, operator, or other party responsible for the Site. The above land use restriction(s) may also be enforced by DENR through any of the remedies provided by law or by means of a civil action, and may also be enforced by any unit of local government having jurisdiction over any part of the Site. Any attempt to cancel this Notice without the approval of DENR (or its successor in function) shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required or authorized to enforce any of the above restriction(s) shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

IN WITNESS WHEREOF, Michael Jordan (RPM) Nissan has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 19th day of January 2009.

Michael Jordan (RPM) Nissan

(name of responsible party if agent is signing)

By:

(signature of attorney or other agent if there is one)

(Title of agent for responsible party if there is one)

Signatory's name typed or printed: Ray Vrscak

NORTH CAROLINA
WAKE COUNTY

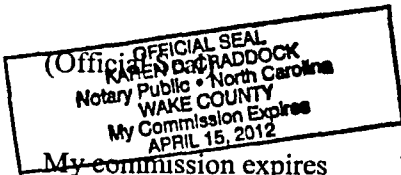
I, KAREN D. CRADDOCK, a Notary Public for said County and State, do hereby certify that

RAYMOND J. VRSCAK Personally came before me this day and acknowledged that he is

AGENT of RECORD and acknowledged, on behalf of

MICHAEL JORDAN NISSAN, the grantor the due execution of the foregoing instrument.

WITNESS my hand and official seal, this the 23rd day of JAN., 2009.



[Signature]
Notary Public (signature)

My commission expires 4-15-2012, 2009."

Approved for the purposes of N.C.G.S. 143B-279.11

Mark R. Powers
(signature of Regional Supervisor)

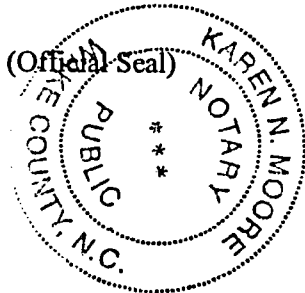
MARK R. POWERS, Regional Supervisor
(printed name of Regional Supervisor)

Raleigh Regional Office
UST Section
Division of Waste Management
Department of Environment and Natural Resources

NORTH CAROLINA
Wake COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Mark R. Powers (full printed name of Regional Supervisor)

Date: 1/28/09
Notary Public Karen N. Moore



My commission expires:

2/16/2013



MAILED

North Carolina Department of Environment and Natural Resources

Division of Waste Management
Underground Storage Tank Section

Deborah R. Matthews, Director

December 29, 2008

Ray Vrscak
Michael Jordan Nissan
3930 Chapel Hill Blvd.
Durham, NC 27707

Re: Notice of Regulatory Requirements
NCGS 143B-279.9 and 143B-279.11
Notice of Residual Petroleum

RPM Nissan
3930 Chapel Hill Blvd., Durham
Durham County
Incident Number: 15932
Risk Classification: Low
Ranking: 15R

Dear Mr. Vrscak:

North Carolina General Statute (NCGS) 143B279.9 and 143B-279.11 require a Notice of Residual Petroleum (Notice) to be filed with the Register of Deeds in Durham County, where the release is located, when a release from an underground storage tank has not been remediated to below "unrestricted use standards". The Notice is required either prior to conveyance of a contaminated property or prior to receiving a Notice of No Further Action. "Unrestricted use standards" for groundwater are the groundwater quality standards and interim standards contained in Title 15A NCAC 2L .0202, and "unrestricted use standards" for soil are the residential maximum soil contaminant concentrations (MSCCs) established in Title 15A NCAC 2L .0411.

The Notice must be prepared in accordance with the attached instructions and format. It must contain a legal description of the property containing the source of contamination and legal descriptions of any other properties which you own (or control) which are contaminated by the release. The Notice must also include appropriate land use restrictions for these properties. In addition, the Notice must identify all other properties (adjacent, adjoining, downgradient, etc.) on which contamination is known to exist at the time the Notice is prepared.

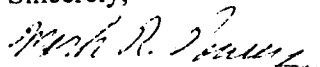
The Notice must be sent to this regional office of the UST Section within 30 days of the date of this letter for approval and notarization. The approved and notarized Notice must then be filed by you with the Register of Deeds, and a certified copy of the filed Notice must be submitted to this office within 30 days of its return to you.

Effective October 1, 2004, the Department requires that all work following the submittal of the Limited Site Assessment Report (Title 15A NCAC 2L .0405) be preapproved if State Trust Fund reimbursement is anticipated. To comply with this requirement, a completed Preapproval/Claim

Authorization Form, encompassing the required remedial activities, must be received in this office within 14 days of the date of this letter. Upon completion of the preapproved activities, you should submit your claim promptly. Reimbursement funds are budgeted based on completed preapprovals, but lengthy delays in reimbursement can occur if claims are not submitted immediately following work completion.

Failure to comply with this letter is a violation of North Carolina law and may result in the assessment of civil penalties and/or the use of other enforcement mechanisms available to the state. If you have any questions regarding this letter, please contact Wayne Randolph at the address or telephone number listed below.

Sincerely,



Mark R. Powers
Regional Supervisor
UST Section, DWM, NCDENR
Raleigh Regional Office

Attachment: Instructions for Preparing Notice of Residual Petroleum

cc: Jack H. Garrison, Jr. – Bensinger & Garrison Environmental, Inc.
PO Box 14609, RTP, NC 27709, NC 27606
RRO UST Incident files/WER

UST Regional Offices

Asheville (ARO) – 2090 US Highway 70, Swannanoa, NC 28778 (828) 296-4500
Fayetteville (FAY) – 225 Green Street, Suite 714, Systel Building, Fayetteville, NC 28301 (910) 433-3300
Mooresville (MOR) – 610 East Center Avenue, Suite 301, Mooresville, NC 28115 (704) 663-1699
Raleigh (RRO) – 1628 Mail Service Center, Raleigh, NC 27699 (919) 791-4200
Washington (WAS) – 943 Washington Square Mall, Washington, NC 27889 (252) 946-6481
Wilmington (WIL) – 127 Cardinal Drive Extension, Wilmington, NC 28405 (910) 796-7215
Winston-Salem (WS) – 585 Waughtown Street, Winston-Salem, NC 27107 (336) 771-5000
Guilford County Environmental Health, 1203 Maple Street, Greensboro, NC 27405, (336) 641-3771

FTP: NRP request NOR0606.dot



MAILED
JUL 01 2004

North Carolina Department of Environment and Natural Resources
Raleigh Regional Office
June 30, 2004

Michael F. Easley, Governor

William G. Ross, Jr. Secretary

Mr. PASCARELLA
RPM NISSAN
3930 CHAPEL HILL BLVD.
DURHAM, NC 27707

RE: Notice of Regulatory Requirements
15A NCAC 2L .0115(c)
RISK-BASED ASSESSMENT AND CORRECTIVE ACTION FOR
PETROLEUM UNDERGROUND STORAGE TANKS

RPM NISSAN
Facility # N/A
3930 CHAPEL HILL BOULEVARD
DURHAM, NC
DURHAM County
Incident # 15932

Dear Mr. PASCARELLA:

A review of our files confirms a release or discharge from a petroleum underground storage tank (UST) system at the above referenced location. The file contains a **Site Assessment Report** but there is no indication that any additional assessment work was performed. Records indicate that you are the owner of this UST tank system. This letter is a standard notice explaining the actions you must take as a result of the release or discharge in accordance with North Carolina statutes and rules. The UST Section of the Division of Waste Management administers the state's rules for USTs and the required response for petroleum releases. Those rules are located in Title 15A, Subchapter 2L and Title 15A, Subchapter 2N of the North Carolina Administrative Code (NCAC).

As a responsible party, you are required to comply with the release response and corrective action requirements of 15A NCAC 2L .0115(c), which include the requirements established in 15A NCAC 2N. Listed is a general description of actions you must take to comply with State rules. For a detailed description of your requirements please refer to the enclosed rules and the most recent version of the UST Section guidelines for assessment and corrective action. The guidelines are available on the Internet at <http://ust.enr.state.nc.us> or may be purchased from the UST Section for a fee of \$8.50. To purchase a copy of the guidelines, please send a check made payable to DENR

to:

DENR/DWM/UST Section
1637 Mail Service Center
Raleigh, NC 27699-1637

Required Actions:

- 1) If you have not already done so, you must take immediate action to prevent any further release of the regulated substance into the environment and to identify and mitigate any fire, explosion and vapor hazards; remove any free product; and comply with the requirements of Rules .0601 through .0604 and .0701 through .0703 and .0705 of Subchapter 2N;
- 2) Incorporate the requirements of 15A NCAC 2N .0704 into the report to be submitted in accordance with 15A NCAC 2L .0115 (c)(3) or (c)(4), whichever is applicable (see Item #3 below). This shall constitute compliance with the reporting requirements of 15A NCAC 2N .0704(b);
- 3) If it can be demonstrated that localized soil contamination was cleaned up at the time of tank removal, you may submit a Soil Contamination Report in accordance with 15A NCAC 2L.0115(c)(3). The Soil Contamination Report must

1628 Mail Service Center, Raleigh, NC 27699-1628
phone (919)571-4700/FAX (919)571-
4718/Internet:www.enr.state.nc.us/ENR/
50% recycled/10% post-consumer pape

One
North Carolina
Naturally

demonstrate that the soil remaining in the sidewalls and at the base of the excavation is located in the unsaturated zone and does not exceed either the soil-to-groundwater or the residential maximum soil contaminant concentrations, whichever are lower. A Soil Contamination Report is not appropriate for sites where contamination is situated directly on top of bedrock or once a tank closure excavation has been back-filled. In both cases, a Limited Site Assessment Report is required. A Soil Contamination Report, if applicable, is due in this office **within 90 days** of the date of receipt of this notice. Upon approval of this report, the Department may issue a notice indicating that no further action related to this incident is required; or,

- 4) If the requirements of 15A NCAC .0115(c)(3) cannot be met as described in Item #3 above, submit a Limited Site Assessment (LSA) Report in accordance with 15A NCAC 2L .0115(c)(4), containing information needed by the Department to classify the level of risk to human health and the environment posed by the discharge or release. The LSA Report is due in this office **within 120 days** of the date of receipt of this notice. Based on a review of the information submitted in the LSA, the Department will classify the risk of the discharge or release as high, intermediate or low. At that time, the Department will also classify the land use of the site as either residential or industrial/commercial. You will be notified of the risk and land use classifications once review of your LSA Report is completed.
- 5) Please note that before you sell or request a "No Further Action" determination for a property that has not been remediated to below "unrestricted use" standards, you must file a Notice of Residual Petroleum ("Notice") with the Register of Deeds in the county where the property is located (NCGS 143B-279.9 and 143B-279.11). Unrestricted use standards for groundwater and soil are the groundwater quality standards and interim standards contained in 15A NCAC 2L .0202 and the residential maximum soil contaminant concentrations established in 15A NCAC 2L .0115, respectively. The Notice must first be approved and notarized by the UST Section prior to conveyance of a property or prior to receiving a "No Further Action" determination, whichever occurs first. The Notice must contain a legal description of the property containing the source of contamination and legal descriptions of any other properties that you own (or control) that are contaminated by the release. The Notice must include appropriate land use restrictions for these properties. In addition, the Notice must identify all other properties (adjacent, adjoining, down gradient, etc.) on which contamination is known to exist at the time the Notice is prepared. If contamination is located on more than one parcel or tract, the UST Section may require that a composite map or plat be prepared. After the Notice is filed with the Register of Deeds, a certified copy of the filed Notice must be submitted to the UST Section. Additional guidance including the language and format of the Notice is available by calling this regional office or visiting the UST Section web site at <http://ust.enr.state.nc.us>.

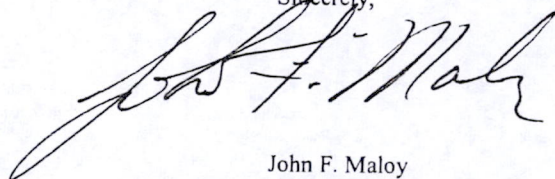
If you believe that any of the information requested above has already been submitted, please notify John F. Maloy of the date, title, and content of the documents that contain the information.

Your prompt attention to the items described herein is required. Failure to comply with the State's rules in the manner and time specified, may result in the assessment of civil penalties and/or the use of other enforcement mechanisms available to the State. Each day that a violation continues may be considered a separate violation. If you believe you are not the responsible party notify the UST Section **within 15 days** of receipt of this letter.

Please note that performing assessment and cleanup work that is not required under 15A NCAC 2L.0115 is not reimbursable from the Commercial or Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Funds.

If you have any questions regarding the actions that must be taken or the rules mentioned in this letter, please contact John F. Maloy of the Raleigh Regional Office at the letterhead address and at 919/ 571-4700. If you have any questions regarding trust fund eligibility or reimbursement, please contact the UST Section Trust Fund Branch at (919) 733-8486.

Sincerely,



John F. Maloy
UST Section

cc: Raleigh Regional Office
Durham County Health Department

FILE ACCESS RECORD

STATE OF NORTH CAROLINA

Department of Environment and Natural Resources
Raleigh Regional Office
3800 Barrett Drive, Suite 101, Raleigh, NC 27609
919/571-4700

File Access Record

SECTION	UST
TIME/DATE	Monday, January 4, 1998
NAME	Amy Harrison
REPRESENTING	Environmental Data Resources (800) 352-0050

Guidelines for Access: The staff of the Raleigh Regional Office is dedicated to making public records in our custody readily available to the public for review and copying. We also have the responsibility to the public to safeguard these records and to carry out our day-to-day program obligations. Please read carefully the following guidelines before signing the form:

1. We prefer that you call at least a day in advance to schedule an appointment to review the files. **Appointments will be scheduled between 9:00 a.m. and 3:00 p.m.** Viewing time ends at 5:00 p.m. **Anyone arriving without an appointment may view the files to the extent that time and staff supervision is available.**
2. You must specify files you want to review **by facility name**. The number of files that you may review at one time will be limited to five.
3. You may make copies of a file when the copier is not in use by the staff and if time permits. **Cost per copy is 10 cents for ALL copies if you make more than 25 copies - there is no charge for less than 25 copies; payment may be made by check, money order, or cash at the reception desk. You can also be invoiced.**
4. **FILES MUST BE KEPT IN THE ORDER YOU FOUND THEM.** Files may not be taken from the office. To remove, alter, deface, mutilate, or destroy material in one of these files is a misdemeanor for which you can be fined up to \$500.00.
5. In accordance with General Statute 25-3-512, a \$20.00 processing fee will be charged and collected for checks on which payment has been refused.

	<u>FACILITY NAME</u>	<u>COUNTY</u>
1.	Wilco #6 — Incident #15927	Durham
2.	Emergency Apparatus — ID #15538	"
3.	Circle K #8627 — ID 15531	"
4.	RPM Nissan — ID #15932	"
5.	Triangle Furniture Stripping — ID #15928	"

Amy Harrison - EDR 1-4-99

Signature and Name of Firm/Business
Please attach a business card to this form

Date

Time In

Time Out



RALEIGH REGIONAL OFFICE

3800 Barrett Drive, Suite 101

Raleigh, NC 27609

Phone: 919/571-4700

FAX: 919/571-4718

FACSIMILE

You should be receiving 3 pages (including cover sheet).

If you do not receive all pages, please contact sender at 919/571-4700.

(919) 599-0262

TO: <u>Rob Bigus</u>	FROM: <u>Isabel Whittaker</u>
ORGANIZATION: <u>Kansas City</u>	SUBJECT: <u>RPM Nissan</u>
FAX NUMBER: <u>(913) 599-1043</u>	DATE: <u>11-20-97</u>

MESSAGE: The RPM Nissan #15932
consists of a CSA report about 1 1/2
inches thick. There does not appear to
be a map in the file.

What is customary is that a person
from out of state will hire a local person
from a temporary agency to come in
and copy the entire file or parts of it.

Isabel Whittaker
(919) 571-4700 Ext 309

P.S. Sorry I am not able to be more
helpful.

TELECOPY COVER SHEET FOR MULTIPLE RECIPIENTS

HUNTON & WILLIAMS
Post Office Box 109
Raleigh, North Carolina 27602-0109
(919) 899-3000
(919) 833-6352 (fax)

TO:

Name: Jay Zimmerman
FAX NO.: (919) 571-4718

Tel: (919) 571-4700

Name: Jack H. Garrison, Jr.
FAX NO.: (919) 544-0233

Tel: (919) 544-4587

4 Page(s) (Including Cover)

FROM:

Ethan S. Naftalin, Esq.
(919) 899-3090
Internet: enaftalin@hunton.com

If problem with transmission, contact Eve Weatherford at (919) 899-3005.

Re: RPM Nissan. The original of this correspondence will follow by mail.

Date: April 22, 1996
Client/Matter No.: 49854.2

Time: 9:47 pm

This communication is confidential and is intended to be privileged pursuant to the attorney-client privilege and the work-product doctrine.

If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

HUNTON & WILLIAMS

P. O. Box 109

RALEIGH, NORTH CAROLINA 27602

TELEPHONE (919) 899-3000

FACSIMILE (919) 833-6352

(919) 899-3096

ATLANTA, GEORGIA
BRUSSELS, BELGIUM
CHARLOTTE, NORTH CAROLINA
HONG KONG
KNOXVILLE, TENNESSEE
MILLAN, VIRGINIA

NEW YORK, NEW YORK
NORFOLK, VIRGINIA
RICHMOND, VIRGINIA
WARSAW, POLAND
WASHINGTON, D.C.

Ethan S. Naftalin
Direct Dial: (919) 899-3090

Client/Matter No.:49854.2
enaftalin@hunton.com
rplumet@ix.netcom.com

April 22, 1996

Via Facsimile (919) 571-4718

Mr. Jay Zimmerman
Raleigh Regional Office
Division of Environmental Management
Department of Environment, Health
and Natural Resources
3800 Barrett Drive, Suite 101
Raleigh, North Carolina 27609

Re: RPM Nissan; 3930 Chapel Hill Boulevard, Durham, North Carolina

Dear Mr. Zimmerman:

I hereby request a ninety (90) day extension of the April deadline for RPM's submission of the CSA report for the above-referenced facility. The reasons for the request are set forth in the enclosed letter from RPM's consultant, Sitex Environmental.

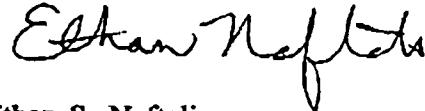
To show RPM's progress to date I have asked Sitex to forward to you under separate cover the analytical data recently obtained by RPM with respect to two media samples taken from the facility. These data will be discussed in Sitex's CSA report.

HUNTON & WILLIAMS

Mr. Jay Zimmerman
April 22, 1996
Page 2

Please contact me if you have any questions concerning the foregoing request.

Best regards,



Ethan S. Naftalin

Enclosure

c: Charles D. Case
Jack Garrison
Jerry O'Connor
Pat Pascarella

**SITEX
Environmental, Inc.****SITEX Engineers Southeast, P.C.**

P.O. Box 13108
RTP, NC 27708
919-544-4587
FAX 919-544-0233

April 17, 1996

Mr. Ethan S. Naftalin
Hunton & Williams
One Hannover Square
Fayetteville Street Mall
P.O. Box 109
Raleigh, NC 27602

RE: CSA Status and Extension Request
RPM Nissan
3930 Chapel Hill Boulevard, Durham

Dear Mr. Naftalin:

As requested, SITEX Environmental, Inc. (SITEX) respectfully submits this information as needed to request an extension for the Comprehensive Site Assessment (CSA) which is currently due April 20, 1996 for the above referenced site. At this time, SITEX has completed the following activities with preliminary summaries:

- * Soil conditions beneath the floor drains in the building have been assessed and contaminated soil has been removed. The results of this investigation indicate that the soil investigation is complete.

- * SITEX is currently preparing to complete additional groundwater investigation activities which are necessary to delineate the extent of groundwater contamination.

At this time an extension is necessary because of delays entailed as a result of RPM Nissan completing a major expansion to their facility. This expansion has been completed so no further delays are anticipated and a complete CSA should be provided to the DEM within 90 days of receipt of this letter.

Sincerely,
SITEX ENVIRONMENTAL INC.

Thomas W. Davis
Thomas W. Davis, P.G.
Environmental Scientist

TWD/cia

C:\WP51\RPM\CSAXTND3.LTR

HUNTON & WILLIAMS

P. O. Box 109

RALEIGH, NORTH CAROLINA 27602

TELEPHONE (919) 899-3000

FACSIMILE (919) 833-6352

(919) 899-3096

ATLANTA, GEORGIA
BRUSSELS, BELGIUM
CHARLOTTE, NORTH CAROLINA
HONG KONG
KNOXVILLE, TENNESSEE
MCLEAN, VIRGINIA

NEW YORK, NEW YORK
NORFOLK, VIRGINIA
RICHMOND, VIRGINIA
WARSAW, POLAND
WASHINGTON, D.C.

Ethan S. Naftalin
Direct Dial: (919) 899-3090

Client/Matter No.: 49854.2
enaftalin@hunton.com
rplumet@ix.netcom.com

April 22, 1996

Via Facsimile (919) 571-4718

Mr. Jay Zimmerman
Raleigh Regional Office
Division of Environmental Management
Department of Environment, Health
and Natural Resources
3800 Barrett Drive, Suite 101
Raleigh, North Carolina 27609

Re: RPM Nissan; 3930 Chapel Hill Boulevard, Durham, North Carolina

Dear Mr. Zimmerman:

I hereby request a ninety (90) day extension of the April deadline for RPM's submission of the CSA report for the above-referenced facility. The reasons for the request are set forth in the enclosed letter from RPM's consultant, Sitex Environmental.

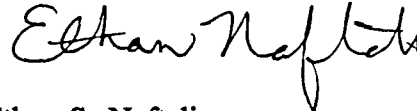
To show RPM's progress to date I have asked Sitex to forward to you under separate cover the analytical data recently obtained by RPM with respect to two media samples taken from the facility. These data will be discussed in Sitex's CSA report.

HUNTON & WILLIAMS

Mr. Jay Zimmerman
April 22, 1996
Page 2

Please contact me if you have any questions concerning the foregoing request.

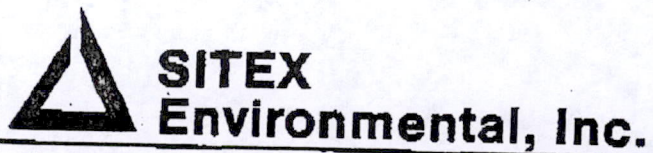
Best regards,

A handwritten signature in cursive script, reading "Ethan Naftalin".

Ethan S. Naftalin

Enclosure

c: Charles D. Case
Jack Garrison
Jerry O'Connor
Pat Pascarella



SITEX
Environmental, Inc.

SITEX Engineers Southeast, P.C.

P.O. Box 13108
RTP, NC 27709
919-544-4587
FAX 919-544-0233

April 17, 1996

Mr. Ethan S. Naftalin
Hunton & Williams
One Hannover Square
Fayetteville Street Mall
P.O. Box 109
Raleigh, NC 27602

RE: CSA Status and Extension Request
RPM Nissan
3930 Chapel Hill Boulevard, Durham

Dear Mr. Naftalin:

As requested, SITEX Environmental, Inc. (SITEX) respectfully submits this information as needed to request an extension for the Comprehensive Site Assessment (CSA) which is currently due April 20, 1996 for the above referenced site. At this time, SITEX has completed the following activities with preliminary summaries:

- * Soil conditions beneath the floor drains in the building have been assessed and contaminated soil has been removed. The results of this investigation indicate that the soil investigation is complete.

- * SITEX is currently preparing to complete additional groundwater investigation activities which are necessary to delineate the extent of groundwater contamination.

At this time an extension is necessary because of delays entailed as a result of RPM Nissan completing a major expansion to their facility. This expansion has been completed so no further delays are anticipated and a complete CSA should be provided to the DEM within 90 days of receipt of this letter.

Sincerely,
SITEX ENVIRONMENTAL INC.

Thomas W. Davis, P.C.
Environmental Scientist

TWD/cia

C:\WP51\RPM\CSAXTND3.LTR



**SITEX
Environmental, Inc.**

SITEX Engineers Southeast, P.C.

P.O. Box 13108

RTP, NC 27709

919-544-4587

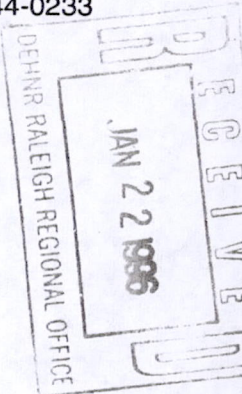
FAX 919-544-0233

January 19, 1996

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
P 455 395 676**

Mr. Jay Zimmerman
Groundwater Section
NCDEHNR
Division of Environmental Management
3800 Barrett Drive
Raleigh, NC 27609

RE: CSA Status and Due Date Extension Request
RPM Nissan, 3930 Chapel Hill Boulevard, Durham, NC



Dear Mr. Zimmermann:

On behalf of RPM Nissan, SITEX Environmental, Inc. (SITEX) respectfully requests that the extended due dates for the CSA and CAP, January 20 and March 22, 1996, respectively, each be extended an additional 90 days (to April 20 and June 22). In October 1995, SITEX investigated the service area floor drain system as a possible source of the groundwater contamination. Six problem areas in the service area were identified. Completion of CSA activities have been delayed by the RPM Nissan facility expansion (recently completed), the holiday schedule, winter weather, contractor scheduling difficulties, and other unforeseen circumstances.

Additional time will be required to define the extent of soil contamination in each area and to install, survey, and sample additional monitoring wells. Results of the floor drain system investigation and subsequent assessment activities will be submitted to your office in the CSA Report upon completion of the project.

Please confirm approval of the CSA and CAP due date extensions as soon as possible. If you require additional information, please give me a call at (919)544-4587.

Sincerely,
SITEX ENVIRONMENTAL INC.

Jack H. Garrison, Jr.
Jack H. Garrison, Jr.
Regional Manager

JHG/knk

cc: Mr. Pat Pascarella - RPM Nissan
Mr. Charles Case - Hunton & Williams
Mr. Ethan Naftalin - Hunton & Williams
Mr. Jerry O'Connor - Tucker, Flyer & Lewis
CSAXTND2.LTR

OCT 18 1995
ENR RALEIGH REGIONAL OFFICE

HUNTON & WILLIAMS

ATLANTA, GEORGIA
BRUSSELS, BELGIUM
CHARLOTTE, NORTH CAROLINA
HONG KONG
KNOXVILLE, TENNESSEE
MCLEAN, VIRGINIA

P. O. Box 109
RALEIGH, NORTH CAROLINA 27602

TELEPHONE (919) 899-3000

FACSIMILE (919) 833-6352

(919) 899-3096

NEW YORK, NEW YORK
NORFOLK, VIRGINIA
RICHMOND, VIRGINIA
WARSAW, POLAND
WASHINGTON, D.C.

Ethan S. Naftalin

Client/Matter No.: 49854.2
Direct Dial: (919) 899-3090
Internet: enaftalin@hunton.com

October 17, 1995

Via Facsimile (919) 571-4718

Mr. Jay Zimmerman
Raleigh Regional Office
Division of Environmental Management
Department of Environment, Health
and Natural Resources
3800 Barrett Drive, Suite 101
Raleigh, North Carolina 27609

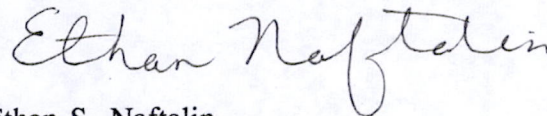
Re: RPM Nissan; 3930 Chapel Hill Boulevard, Durham, North Carolina

Dear Mr. Zimmerman:

On October 11 I requested on behalf of RPM Nissan an extension of the October 20 and December 22, 1995 deadlines for the CSA and CAP for the above-referenced facility. Owing to a typographical error, my letter indicated a thirty (30) day extension period instead of a ninety (90) day period. Accordingly, RPM hereby amends its October 11 letter to request a ninety day extension for the reasons stated in that letter.

Please contact me or Mr. Jack Garrison of SITEX at (919) 544-4587 to confirm your approval of the above-referenced extensions or if you have any questions concerning the foregoing.

Best regards,



Ethan S. Naftalin

cc: Charles D. Case
Jack Garrison
Jerry O'Connor
Pat Pascarella

TELECOPY COVER SHEET FOR MULTIPLE RECIPIENTS

HUNTON & WILLIAMS
Post Office Box 109
Raleigh, North Carolina 27602-0109
(919) 899-3000
(919) 833-6352 (fax)

TO:

Name: Jay Zimmerman
FAX NO.: (919) 571-4718

Tel: (919) 571-4700

Name: Jack H. Garrison, Jr.
FAX NO.: (919) 544-0233

Tel: (919) 544-4587

2 Page(s) (Including Cover)

FROM:

Ethan S. Naftalin, Esq.
(919) 899-3090
Internet: enaftalin@hunton.com

If problem with transmission, contact Eve Weatherford at (919) 899-3005.

Re: *RPM Nissan*. The original of this correspondence will follow by mail.

Date: October 17, 1995

Client/Matter No.: 49854.2

Time: 11:46 am

This communication is confidential and is intended to be privileged pursuant to the attorney-client privilege and the work-product doctrine.

If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

HUNTON & WILLIAMS

P. O. Box 109

RALEIGH, NORTH CAROLINA 27602

TELEPHONE (919) 899-3000

FACSIMILE (919) 833-6352

(919) 822-3096

NEW YORK, NEW YORK
NORFOLK, VIRGINIA
RICHMOND, VIRGINIA
WARSAW, POLAND
WASHINGTON, D.C.ATLANTA, GEORGIA
BRUSSELS, BELGIUM
CHARLOTTE, NORTH CAROLINA
HONG KONG
KNOXVILLE, TENNESSEE
MCLEAN, VIRGINIA

Ethan S. Naftalin

Client/Matter No.: 49854.2
Direct Dial: (919) 899-3090
Internet: enaftalin@hunton.com

October 17, 1995

Via Facsimile (919) 571-4718

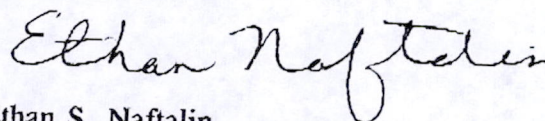
Mr. Jay Zimmerman
Raleigh Regional Office
Division of Environmental Management
Department of Environment, Health
and Natural Resources
3800 Barrett Drive, Suite 101
Raleigh, North Carolina 27609*Re: RPM Nissan; 3930 Chapel Hill Boulevard, Durham, North Carolina*

Dear Mr. Zimmerman:

On October 11 I requested on behalf of RPM Nissan an extension of the October 20 and December 22, 1995 deadlines for the CSA and CAP for the above-referenced facility. Owing to a typographical error, my letter indicated a thirty (30) day extension period instead of a ninety (90) day period. Accordingly, RPM hereby amends its October 11 letter to request a ninety day extension for the reasons stated in that letter.

Please contact me or Mr. Jack Garrison of SITEX at (919) 544-4587 to confirm your approval of the above-referenced extensions or if you have any questions concerning the foregoing.

Best regards,



Ethan S. Naftalin

cc: Charles D. Case
Jack Garrison
Jerry O'Connor
Pat Pascarella

ATLANTA, GEORGIA
BRUSSELS, BELGIUM
CHARLOTTE, NORTH CAROLINA
HONG KONG
KNOXVILLE, TENNESSEE
MCLEAN, VIRGINIA

HUNTON & WILLIAMS

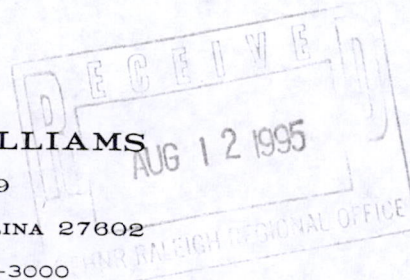
P. O. Box 109

RALEIGH, NORTH CAROLINA 27602

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(919) 899-3096



NEW YORK, NEW YORK
NORFOLK, VIRGINIA
RICHMOND, VIRGINIA
WARSAW, POLAND
WASHINGTON, D.C.

Ethan S. Naftalin

Client/Matter No.: 49854.2
Direct Dial: (919) 899-3090
Internet: enaftalin@hunton.com

October 11, 1995

Via Facsimile (919) 571-4718

Mr. Jay Zimmerman
Raleigh Regional Office
Division of Environmental Management
Department of Environment, Health
and Natural Resources
3800 Barrett Drive, Suite 101
Raleigh, North Carolina 27609

Re: RPM Nissan; 3930 Chapel Hill Boulevard, Durham, North Carolina

Dear Mr. Zimmerman:

RPM Nissan hereby requests a thirty-day extension of the October 20 and December 22, 1995 deadlines for the CSA and CAP for the above-referenced facility. The bases for this request follow.

RPM's consultant SITEX Environmental, Inc. recently completed an investigation of the service area floor drain system as a possible source of the groundwater contamination at the facility. Soil sampling activities have identified six problem areas in the service area. Sitex requires additional time to define the extent of soil contamination in each area and to install, survey, and sample additional monitoring wells. Sitex will include within the CSA report the results of the recently completed floor drain system investigation and subsequent assessment activities.

HUNTON & WILLIAMS

Mr. Jay Zimmerman

October 11, 1995

Page 2

Please contact me or Mr. Jack Garrison of SITEX at (919) 544-4587 to confirm your approval of the above-referenced extensions or if you have any questions concerning the foregoing.

Best regards,

A handwritten signature in cursive script that reads "Ethan Naftalin". The signature is written in dark ink and is positioned above the printed name.

Ethan S. Naftalin

cc: Charles D. Case
Jack Garrison
Jerry O'Connor
Pat Pascarella

TELECOPY COVER SHEET FOR MULTIPLE RECIPIENTS

HUNTON & WILLIAMS
Post Office Box 109
Raleigh, North Carolina 27602-0109
(919) 899-3000
(919) 833-6352 (fax)

TO:

Name: Jay Zimmerman
FAX NO.: (919) 571-4718

Tel: (919) 571-4700

Name: Jack H. Garrison, Jr.
FAX NO.: (919) 544-0233

Tel: (919) 544-4587

3 Page(s) (Including Cover)

FROM:

Ethan S. Naftalin, Esq.
(919) 899-3090
Internet: enaftalin@hunton.com

If problem with transmission, contact Eve Weatherford at (919) 899-3005.

Re: *RPM Nissan*. The original of this correspondence will follow by mail.

Date: October 11, 1995
Client/Matter No.: 49854.2

Time: 12:13 pm

This communication is confidential and is intended to be privileged pursuant to the attorney-client privilege and the work-product doctrine.

If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

HUNTON & WILLIAMS

P. O. Box 100

RALEIGH, NORTH CAROLINA 27609

TELEPHONE (919) 899-3000

FACSIMILE (919) 833-6352

(919) 899-3096

ATLANTA, GEORGIA
BRUSSELS, BELGIUM
CHANGHAI, NORTH CAROLINA
HONG KONG
KANSAS CITY, MISSOURI
WASHINGTON, D.C.

Edman S. Nallin

October 11, 1995

Via Facsimile (919) 571-4718

Mr. Jay Zimmerman

Raleigh Regional Office

Division of Environmental Management

Department of Environment, Health

and Natural Resources

3800 Barrett Drive, Suite 101

Raleigh, North Carolina 27609

Re: RPM Nissan, 3930 Chapel Hill Boulevard, Durham, North Carolina

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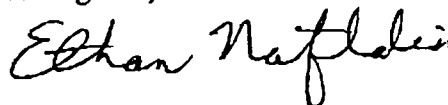
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HUNTON & WILLIAMS

Mr. Jay Zimmerman
October 11, 1995
Page 2

Please contact me or Mr. Jack Garrison of SITEX at (919) 544-4587 to confirm your approval of the above-referenced extensions or if you have any questions concerning the foregoing.

Best regards,



Ethan S. Naftalin

cc: Charles D. Case
Jack Garrison
Jerry O'Connor
Pat Pascarella



**SITEX
Environmental, Inc.**

SITEX Engineers Southeast, P.C.

P.O. Box 13108
Research Triangle Park, NC 27709
919-544-4587
FAX 919-544-0233

August 28, 1995

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Z 725 463 987**

Mr. Jay Zimmerman
Groundwater Section
NC Department of Environment, Health,
and Natural Resources
3800 Barrett Drive
Raleigh, NC 27609

RE: Service Bay Drainage Area Soil Assessment
RPM Nissan, 3930 Chapel Hill Boulevard
Durham, NC

Dear Mr. Zimmerman:

This letter has been prepared to inform your office of the proposed soil sampling to be performed in the service bay area to determine whether or not the floor drain system has been a source of the volatile organic compounds found in groundwater at the site. The scope of work presented below is designed to eliminate or confirm areas with the greatest potential of being a source and represents a reasonable and responsible approach to identifying the source. Subsequent work to define the extent of the contamination plume will be dependent upon the results of the sampling proposed herein.

SCOPE OF WORK:

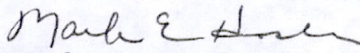
1. SITEX Environmental, Inc. (SITEX) will drill through the concrete floor with a 4-inch core drill in the vicinity of each floor drain (9 drains) in the service area. Five other sampling points will be selected based on their source potential (i.e., floor cleaner storage area, cracks in floor, drain pipe routes). The proposed sample locations are shown on the attached figure.
2. SITEX will collect one soil sample from each borehole for laboratory analysis. Samples will be collected from a depth of about 2 feet below the top of the floor. After the samples have been collected, each borehole will be filled to the floor surface with a neat grout (Portland cement).

Mr. Jay Zimmerman
August 28, 1995
Page Two

3. The soil samples will be collected according to DEM guidelines and will be analyzed by an EPA Drinking Water Certified analytical laboratory for the following:
 - ♦ Oil & Grease (O&G) - Method 9071 (required by the DEM)
 - ♦ Volatiles (VOCs) - Method 8021 (required by the DEM)
4. SITEX will document site activities and summarize the analytical results in report format with recommendations based on the results.

SITEX will proceed with the service bay area soil assessment on September 9 and 10. If you have any questions or comments, please give us a call at (919)544-4587.

Sincerely,
SITEX ENVIRONMENTAL INC.

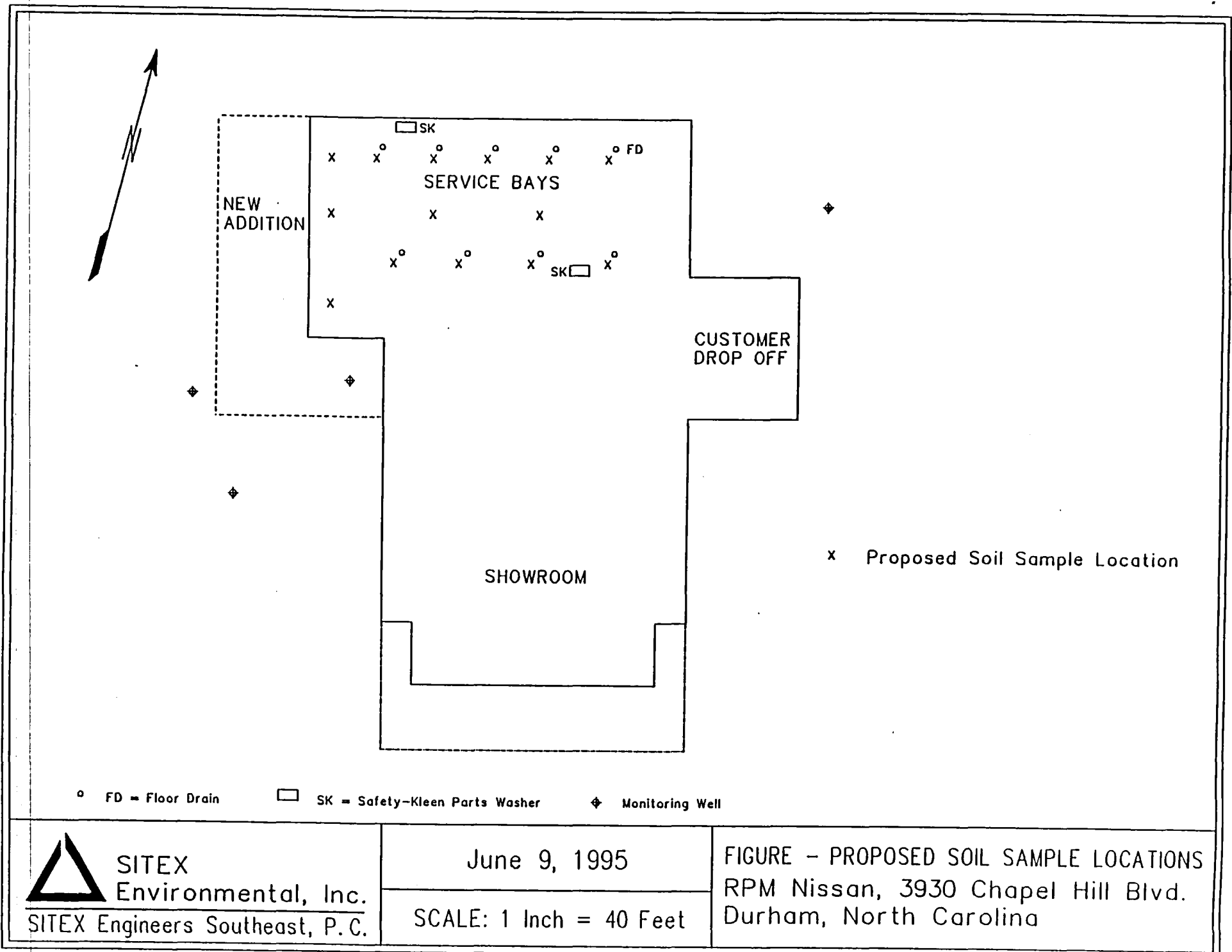

Mark E. Hosler
Environmental Scientist

MEH/knk

Attachment

cc: Mr. Pat Pascarella, RPM Nissan
Mr. Jerry O'Connor, Esq.
Mr. Charles Case, Esq.
Mr. Ethan Naftalin, Esq.

PROJECT\6435ZIM5.LTR



SITEX
Environmental, Inc.
SITEX Engineers Southeast, P.C.

June 9, 1995

SCALE: 1 Inch = 40 Feet

FIGURE - PROPOSED SOIL SAMPLE LOCATIONS
RPM Nissan, 3930 Chapel Hill Blvd.
Durham, North Carolina



**SITEX
Environmental, Inc.**

SITEX Engineers Southeast, P.C.

AUG 18 1995

P.O. Box 13108
Research Triangle Park, NC 27709
919-544-4587
FAX 919-544-0233

August 17, 1995

HAND DELIVERED

Mr. Jay Zimmerman
NCDEHNR
Division of Environmental Management
3800 Garrett Drive, Suite 101
Raleigh, NC 27609

RE: RPM Nissan; 3930 Chapel Hill Blvd., Durham, NC
Incident No. TBD; Notice of Violation dated 8/8/95

Dear Mr. Zimmerman:

On behalf of Capital City Development, Inc. and Capital City Nissan, Inc. (collectively Capital City), the owner of the above-reference property, I respond below to the Division's Notice of Violation.

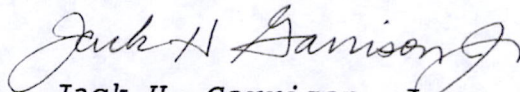
As you may know, SITEX already has initiated the assessment of the above-referenced property. That assessment included the installation and monitoring of four groundwater wells and the collection for analysis of soil samples from the impacted area.

SITEX submitted a May 15, 1995 assessment report to the Division detailing the first phase of the assessment. SITEX currently is proceeding with a second phase assessment designed to identify potential sources of contamination and, thereafter, the extent of the affected area.

SITEX expects to complete this assessment on or before October 20, 1995 and will submit to the Division at that time a report detailing our activities and conclusions. Capital City and SITEX will then contact the Division to discuss our conclusions and proposals for further assessment or remediation, if necessary.

Please contact me if you have any questions concerning the foregoing.

Sincerely,
SITEX ENVIRONMENTAL INC.


Jack H. Garrison, Jr.
Regional Manager

JHG/knk
cc: Pat Pascarella
PROJECT\6435H&W.LTR

State of North Carolina
Department of Environment,
Health and Natural Resources
Raleigh Regional Office

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
Boyce A. Hudson, Regional Manager



DIVISION OF ENVIRONMENTAL MANAGEMENT
August 8, 1995

CERTIFIED MAIL
RETURN RECEIPT REQUIRED

RPM Nissan
3930 Chapel Hill Boulevard
Durham, North Carolina
Attention: Mr. Pat Pascarella

Subject: Notice of Violation
N.C. General Administrative Code
Title 15A Subchapter 2L (.0202/ .0106)
Inc.# TBD; RPM Nissan
Durham, County

Dear Mr Pascarella:

Chapter 143, Article 21A, of the North Carolina General Statutes, directs the Environmental Management Commission of the Department of Environment, Health, and Natural Resources to protect and preserve the water and air resources of the State. The Division of Environmental Management (Division) has been charged with the duty and authority to enforce adopted pollution control rules and regulations.

The Groundwater Quality Standards were established in accordance with the provisions set forth in General Statute (G.S.) 143-214.1 and are located in Title 15A North Carolina Administrative Code Subchapter 2L Rule .0202 (15A NCAC 2L .0202). No person shall conduct or cause to be conducted, any activity which causes the concentration of a substance to exceed the standards specified at 15A NCAC 2L .0202.

On 16 May 95, the Division received information concerning the violation of Groundwater Quality Standards for (list constituents) Benzene, Tetrachloroethane, 1,2,4- Trimethylbenzene, and 1,3,5- Trimethylbenzene, above the allowable concentration as established in 15A NCAC 2L .0202. This information consisted of a site assessment report prepared after the removal of an oil/water separator and occurred as a result of activities at 3930 Chapel Hill Blvd.

Rule .0202 option

As a result of these findings, RPM Nissan is requested to submit a Comprehensive Site Assessment (CSA) report and a Corrective Action Plan (CAP) in accordance with 15A NCAC 2L .0106. This rule requires any person conducting or controlling an activity not permitted by the State which results in the increase in the concentration of a standard, to assess the cause, significance and extent of the violation; submit a report as required by 15A NCAC 2L.0111. in such detail as specified by the Director; submit a plan for eliminating the source of the contamination and for restoration of the groundwater; and to implement the plan. The CSA and CAP must follow the format of and include all of the information in the " Groundwater Section Guidelines For The Investigation and Remediation of Soils and Groundwater " . A copy of the guideline is available at this office.

You are requested to respond to this Notice on or before August 18, 1995 and indicate your intentions to comply with the above rules or the reasons why you cannot or will not comply. If this office does not receive a response as requested, then it will be assumed that you intend to comply with this Notice.

You are requested to have the CSA to this office on or before October 20, 1995 and the CAP to this office by December 22, 1995.

Failure to respond within the time specified may result in the recommendation of enforcement action to the Director who may issue a proposed civil penalty assessment under authority of G.S. 143-215.6A, which provides that a civil penalty of not more than \$10,000 may be assessed against any person who violates the Commission's rules. If any action or failure to act is continuous, each day may be considered a separate violation.

Failure to comply with the corrective action rules may also result in the Attorney General of the State requesting an injunction in Superior Court requiring the necessary measures. Any willful or knowing noncompliance which allows groundwater standards to continually be exceeded may result in criminal sanctions being sought under G.S. 143-215.6B.

RPM Nissan
August 8, 1995
Page 3

Should you have any questions please contact Mr Tom Arrington or
Mr. Jay Zimmerman of the Raleigh Regional Office at (919) 571-4700.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Schuster', written over a horizontal line.

Kenneth Schuster, P.E.
Regional Supervisor
Raleigh Regional Office

KS:TA:MD
cc: Burrie Boshoff
H:\MW\RPM.NISSAN.NOV

From: ccase@rinet.hunton.com (Case, Charles D.)
To: walton-ro@erro.ehnr.state.nc.us (Walton, Robert/EHNR-Inter
Cc: ccase@rinet.hunton.com (Case, Charles D.),
Organization: Hunton & Williams
Date: Mon, 12 Jun 1995 12:43:45 -0600
Subject: RPM Nissan Site, Durham

Thank you for your prompt attention to our client's need to sample the soils around the location of the former oil-water separator. You should have received a fax, today, from Jack Garrison with Sitex confirming that the soil samples came up essentially clean and that, thus, RPM is proceeding with the pouring of the floor.

Thanks, again.

Charles Case
Hunton & Williams
{Internet address: ccase@hunton.com}
899-3045



**SITEX
Environmental, Inc.**

SITEX Engineers Southeast, P.C.

June 12, 1995

P.O. Box 13108
Research Triangle Park, NC 27709
919-544-4587
FAX 919-544-0233

DELIVERED BY FAX

Mr. Jay Zimmerman
Groundwater Section
NC Department of Environment, Health,
and Natural Resources
Division of Environmental Management
Raleigh Regional Office
3800 Barrett Drive
Raleigh, North Carolina 27609

RE: RPM Nissan Proposed Soil Borings

Dear Mr. Zimmerman:

This letter is to confirm the results of a meeting held on June 2 between Mr. Robert Walton, Mr. Ethan Naftalin, and myself concerning the scope of work proposed to you on May 30. It was agreed to proceed with the installation of borings and collection of soil samples, except that boring depth would terminate at the siltstone layer predominant in the Triassic basin. Soils would be screened with an OVA during boring installation to identify any potential sampling locations in addition to the planned samples.

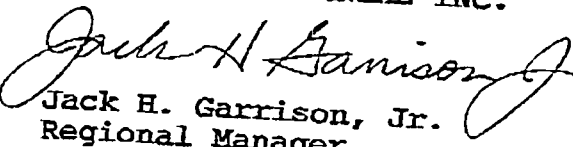
A minimum of two samples would be collected per boring in a grid pattern designed to properly evaluate subsurface soil conditions. Further delineation or remediation efforts would be dictated by the analytical results. A concrete pad would be installed in the soil sampling area if the results indicate excavation of contamination is not warranted.

This task has now been accomplished and no subsurface contamination was identified except in one location. A soil sample from 2.5-3.0 feet in the vicinity of the former sewer line from the wash pit was found to contain 5.7 ppb of tetrachloroethylene (PCE). Neither this nor any other VOC was identified in the other samples from that or any other boring. The DEM guidelines indicate a calculated soil cleanup concentration for PCE of 13 ppb. A treatment standard of 5.6 ppb for soils being land disposed has been proposed by the USEPA under RCRA.

Mr. Jay Zimmerman
June 12, 1995
Page Two

Because of these standards, and because the sampled area is not the source of groundwater contamination, RPM Nissan is proceeding with the installation of the concrete pad on Wednesday, June 14.

Sincerely,
SITEX ENVIRONMENTAL INC.


Jack H. Garrison, Jr.
Regional Manager

JHG/knk

CC: Mr. Pat Pascarella
Mr. Jerry O'Connor, Esquire
Mr. Charles Case, Esquire
Mr. Ethan Naftalin, Esquire

PROJECT\6435ZIM4.LTR

POLLUTION INCIDENT/U.S.T. LEAK REPORTING FORM

Department of Environment, Health, Natural Resources
Division of Environmental Management
GROUNDWATER SECTION

Confirm. GW Contamination (Y/N) ☒

Major Soil Contamination (Y/N) ☐

Minor Soil Contamination (Y/N) ☒

Incident # _____

Date Incident Occurred

or Leak Detected APRIL '95

INCIDENT DESCRIPTION

Incident Location/Name RPM NISSAN

Address 3930 CHAPEL HILL BLVD.

City/Town DURHAM

County DURHAM

Region RALPHA

Briefly Describe Incident SUBSURFACE OIL/WATER SEPARATOR SYSTEM WAS DISCOVERED AND REMOVED, GW + SOIL SAMPLES WERE TAKEN, SOIL FOUND NO TRACES OF ANYTHING, GW HAD HIGH TRACES OF VOC'S EXCEEDING NC GW STANDARDS. AFTER FURTHER BORINGS AND TESTS WERE MADE, THE GW CONTAMINATION CEASED AND SMALL SOIL CONTAMINATION WAS FOUND. RPM NISSAN IS COMPLETING CSA and CAP NOW DUE APRIL '96

POTENTIAL SOURCE OWNER-OPERATOR

Potential Source Owner-Operator

MR. PAT PASCARELLA

Telephone _____

Company

RPM NISSAN

Street Address

3930 RPM NISSAN

City

DURHAM

County

DURHAM

State

NC

Zip Code

27707

OWNERSHIP

0. N/A 1. Municipal 2. Military 3. Unknown 4. ☒ Private 5. Federal 6. County 7. State

OPERATION TYPE

0. N/A 1. Public Service 2. Agricultural 3. Residential 4. Educational/Relig. 5. Industrial 6. ☒ Commercial 7. Mining

POLLUTANTS INVOLVED

MATERIALS INVOLVED

VOC

AMOUNT LOST

?

AMOUNT RECOVERED

?

SOURCE OF POLLUTION

PRIMARY SOURCE OF POLLUTION

(Select one)

- | | |
|---|-------------------------------|
| 1. Intentional dump | 13. Well |
| 2. Pit, pond, lagoon | 14. Above-ground Storage Tank |
| 3. <input checked="" type="checkbox"/> Leak-underground | 15. Nonpoint source |
| 4. Spray Irrigation | |
| 5. Land application | |
| 6. Animal feedlot | |
| 7. Source unknown | |
| 8. Septic tank | |
| 9. Sewer line | |
| 10. Stockpile | |
| 11. Landfill | |
| 12. Spill-surface | |

PRIMARY POLLUTANT TYPE

(Select one)

- | |
|--|
| 1. Pesticide/herbicide |
| 2. Radioactive waste |
| 3. Gasoline/diesel |
| 4. Heating oil |
| 5. Other petroleum prod. |
| 6. Sewage/septage |
| 7. Fertilizers |
| 8. Sludge |
| 9. Solid waste leachate |
| 10. Metals |
| 11. Other inorganics |
| 12. <input checked="" type="checkbox"/> Other organics |

LOCATION

- | |
|---|
| 1. <input checked="" type="checkbox"/> Facility |
| 2. Railroad |
| 3. Waterway |
| 4. Pipeline |
| 5. Dumpsite |
| 6. Highway |
| 7. Residence |
| 8. Other |

SETTING

- | |
|---|
| 1. Residential |
| 2. <input checked="" type="checkbox"/> Industrial |
| 3. Urban |
| 4. Rural |

Site Priority Ranking

60/E

D.E.M. Regional Contact

JAY ZIMMERMAN

Signature

Pat Pascarella

Date

5/31/96

IMPACT ON DRINKING WATER SUPPLIES

WELLS AFFECTED

1. YES

2. ~~NO~~

~~UNKNOWN?~~

NUMBER OF WELLS AFFECTED _____

Well(s) Contaminated: (Users Name)

1.

2.

3.

4.

5.

Circle Appropriate Responses

Lab Samples Taken By:

1. DEM

2. DHS

3. Responsible Party

4. Other

5. None

Samples Taken Include:

1. Groundwater

2. Soil

LOCATION OF INCIDENT

7 1/2 Min. Quad Name

SOUTH WEST DURHAM

Lat. : Deg : Min : Sec :

35° 58' 13"

~~78° 57' 25"~~

5 Min. Quad Number

I 45h

Long. : Deg : Min : Sec :

78° 57' 25"

Draw Sketch of Area or Attach Additional Maps

DUE TO LOCATION ASSUMED THAT THERE WERE NO
WELLS WITHIN 1500 FT.

Incident Name: RPM NISSAN

Region/County: DURHAM

GW/TF-200

Page 1 of 3

6/1/92

Groundwater Incident File # _____

Ranking Performed by: PATRICK PEREZ

Date: 5-30-96

**NORTH CAROLINA
GROUNDWATER CONTAMINATION INCIDENT MANAGEMENT
SITE PRIORITY RANKING SYSTEM**

(To be completed by Regional Office)

I. IMMINENT HAZARD ASSESSMENT

Points Awarded

- A. Explosion - free product in confined areas or vapor phase product detected at or above 20% of the lower explosive limit or at health concern levels; award 50 points total
- B. Fire - free product subject to ignition in exposed areas such as surface water impoundments, streams, excavations, etc.; award 50 points total

II. EXPOSURE ASSESSMENT

A. Contaminated Drinking Water Supplies

1. Private, domestic water supply well containing substances in concentrations exceeding 15A NCAC 2L groundwater quality standards; award 10 points per well
2. Public or institutional water supply well containing substances in concentrations exceeding 15A NCAC 2L groundwater quality standards; award 20 points per well
3. Exceedances of Class WS-1 surface water quality standards as a result of groundwater discharge; award 20 points per surface water body impacted
4. If a water supply well identified in items II. A. 1 and II. A. 2 cannot be replaced by an existing public water supply source requiring hook-up only; award additional 10 points per irreplaceable well

B. Threat to Uncontaminated Drinking Water Supplies

1. Private, domestic water supply well located within 1500 feet down gradient of contaminant source; award 10 points per well
2. Public or institutional water supply well located within 1500 feet downgradient of contaminant source; award 15 points per well
3. Raw surface water intake for public water supply located within 1/2 mile downgradient of contaminant source; award 5 points per water supply system
4. If any well identified in items II. B. 1 and II. B. 2 or an intake in item II. B. 3. are located within 250 feet of contaminant source; award additional 20 points total (not per well or intake)

C. Vapor Phase Exposure

1. Product vapors detected in inhabitable building(s) below 20% of the lower explosive limit or health concern levels

6/1/92

Points Awarded

2. Product vapors detected in other confined areas (uninhabitable buildings, sewer lines, utility vaults, etc.) below 20% of the lower explosive limit; award 10 points total
- _____

I. SOURCE ASSESSMENT

- A. Uncontrolled or Unabated Primary Source (including dumpsites, stockpiles, lagoons, land applications, septic tanks, landfills, underground and above ground storage tanks, etc.)
1. Suspected or confirmed source remains in active use and continues to receive raw product, wastewater or solid waste; award 30 points per source
2. Active use of suspected or confirmed source has been discontinued or source was caused by a one-time release of product or waste, however, source continues to release product or contaminants into the environment; award 10 points per source
- _____
- 10
- _____

7. ENVIRONMENTAL VULNERABILITY ASSESSMENT

- A. Vertical Contaminant Migration - Literature or well logs indicate that no confining layer is present above bedrock or within twenty feet of land surface; award 10 points total
- B. Horizontal Contaminant Migration - Data or observations indicate that no discharge points or aquifer discontinuities exist between the source and the nearest downgradient drinking water supply; award 10 points total
- C. Existing Groundwater Quality - The worst case monitor or supply well contains contaminant levels:
1. At less than 10 times the 2L groundwater standards; award 5 points
2. Between 10 and 100 times the 2L groundwater standards; award 20 points
3. Greater than 100 times the 2L groundwater standards; award 40 points
- _____
- 10
- _____
- _____
- 40
- _____

REGIONAL OFFICE RESPONSE (LETTER RANK)Priority A - (Site meets any one of the criteria)

1. Water supply well(s) contaminated and no alternate water supplies available.
2. Vapors present in confined areas at explosive or health concern levels.
3. Treated surface water supply in violation of the safe drinking standards.

Priority B - (Any One)

1. Water supply well(s) contaminated, but alternate water supplies available.

2. Water supply well(s) within 1500 feet of site, but not contaminated and no alternate water supplies available.
3. Vapors present in confined areas but not at explosive or health concern levels.

Priority C - (Both)

1. No water supply well(s) contaminated.
2. Water supply well(s) greater than 1500 feet from site, no alternate water supply available.

Priority D - (Both)

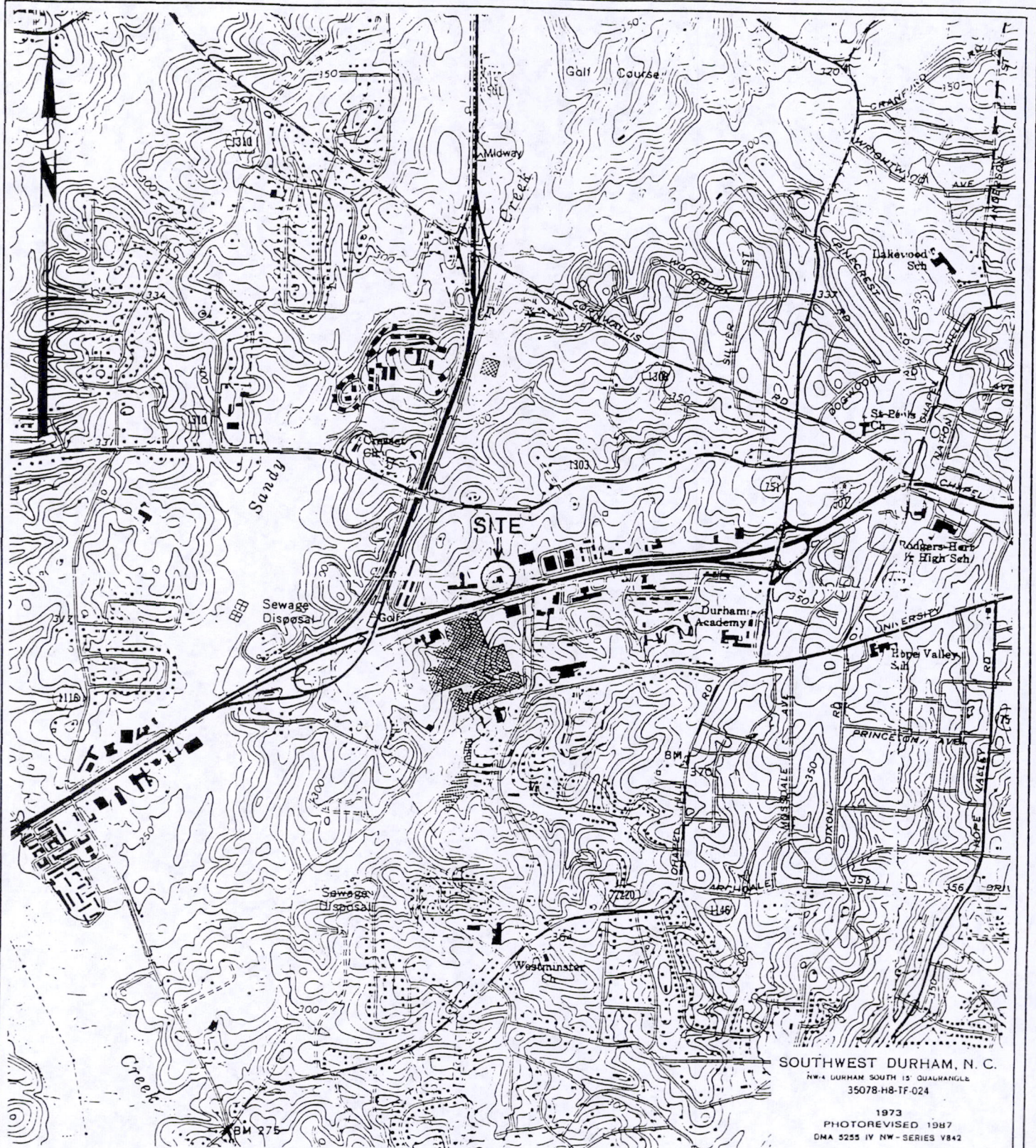
1. No water supply well(s) contaminated.
2. Water supply well(s) within 1500 feet of site but alternate water supplies available.

Priority E - (Both)

1. No water supply well(s) contaminated or within 1500 feet of site.
2. Area served by alternate water supply.

TOTAL POINTS AWARDED

60 E
#/Letter



SITEX
 Environmental, Inc.

SITEX Engineers Southeast, P. C.

FIGURE 1 - SITE LOCATION MAP
 RPM Nissan
 Durham, North Carolina

DATE: April 13, 1995

SCALE: 1 Inch = 2,000 Feet



SITEX
Environmental, Inc.

SITEX Engineers Southeast, P.C.

P.O. Box 13108
RTP, NC 27709
919-544-4587
FAX 919-544-0233

FAX COVER LETTER

DATE: 5/30/95

TIME 10:15

Please deliver the following page (s) to:

NAME: Jay Zimmerman

LOCATION: _____

PHONE: _____

NUMBER OF PAGES INCLUDING THIS SHEET 5

FROM: Jack Harrison

LOCATION: _____

MESSAGE: _____

If you do not receive all pages, please call back as soon as possible.

CONFIDENTIALITY NOTE

THE INFORMATION CONTAINED IN THE FACSIMILE MESSAGE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS TELECOPY IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.

**SITEX
Environmental, Inc.****SITEX Engineers Southeast, P.C.**

P.O. Box 13108
Research Triangle Park, NC 27709
919-544-4587
FAX 919-544-0233

May 30, 1995

DELIVERED BY FAX

Mr. Jay Zimmerman
Groundwater Section
NC Department of Environment, Health
and Natural Resources
Division of Environmental Management
Raleigh Regional Office
3800 Barrett Drive
Raleigh, North Carolina 27609

RE: Proposed Soil Boring Locations
RPM Nissan, Durham, NC

Dear Mr. Zimmerman:

This letter is to request your office's immediate review and comment on proposed additional soil boring locations at the RPM Nissan site, for the purpose of confirming the condition of soils at the location of the former oil/water separator. That area is scheduled to be covered by a concrete slab on June 7.

SITEX Environmental Inc. (SITEX) is proposing to continue the assessment of subsurface soils at the RPM Nissan site as follows:

1. Install soil borings up to 15' deep at the locations noted on the attached figures and collect samples using a split-spoon sampler from 2-4', 7-9', and 12-14' depths.
2. Submit the samples to a laboratory for analysis for VOCs by Method 8021 for 48-hr. turnaround.

The samples are proposed in an area that a concrete pad will be poured on June 7, if the sample results indicate remediation of soils through excavation is not required. The collection of the samples is scheduled to begin Wednesday morning, May 31. You are invited to observe the installation of the borings, however, we must proceed with the soil sampling as scheduled.

RPM Nissan began a major facility expansion several months ago and discovered the presence of VOCs in groundwater in April. This discovery and the events leading up to it was described in the May 15 Site Assessment Report received by your office on May 16. The RPM project and the proposed soil borings were briefly discussed with Mr. Tom Arrington, Groundwater Section, Raleigh Regional Office by Mr. Jack Garrison via telephone on May 25.

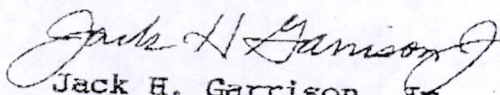
Mr. Jay Zimmerman
May 30, 1995
Page Two

RPM Nissan has proceeded to investigate the source of VOCs and will continue to do so. The proposed soil sampling event will allow for the continuation of the facility expansion, and will also provide additional information relative to potential sources of the VOCs.

Pouring of the concrete floor can not be delayed past June 7 without serious disruption of dealership and construction there. Significant delays have already been incurred due to the discovery of VOCs in groundwater.

It is for these reasons that RPM Nissan is proceeding with the subsurface investigation as proposed. We are requesting you review and approve the installation of the concrete pad, provided soil samples are clean. We anticipate providing to your offices the results of the soil samples prior to June 7 for the purpose of allowing your review of those samples. Mr. Charles Case, Esq. will contact you tomorrow to arrange a meeting to review this project.

Sincerely,
SITEX ENVIRONMENTAL INC.


Jack H. Garrison, Jr.
Regional Manager

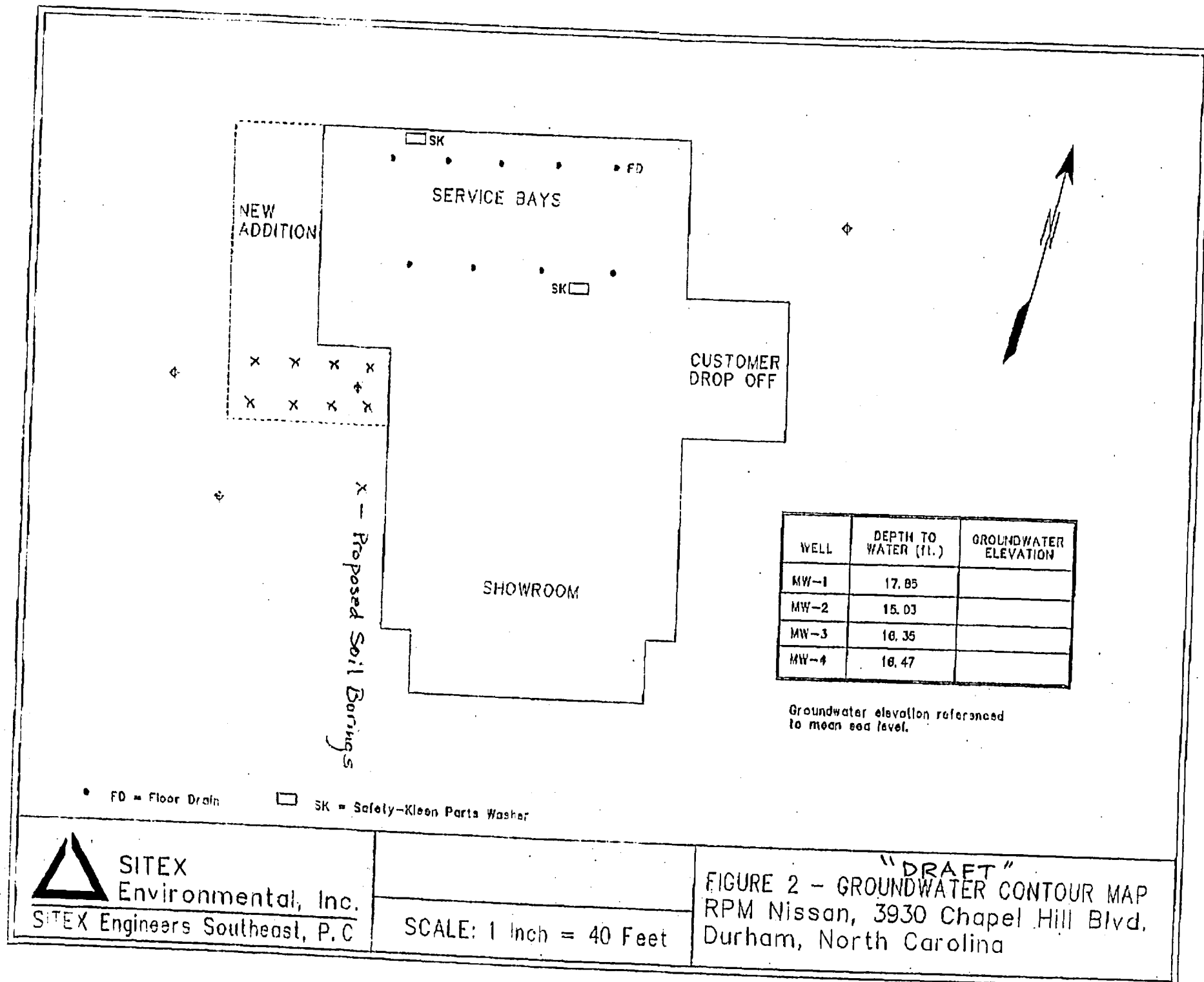
JHG/knk

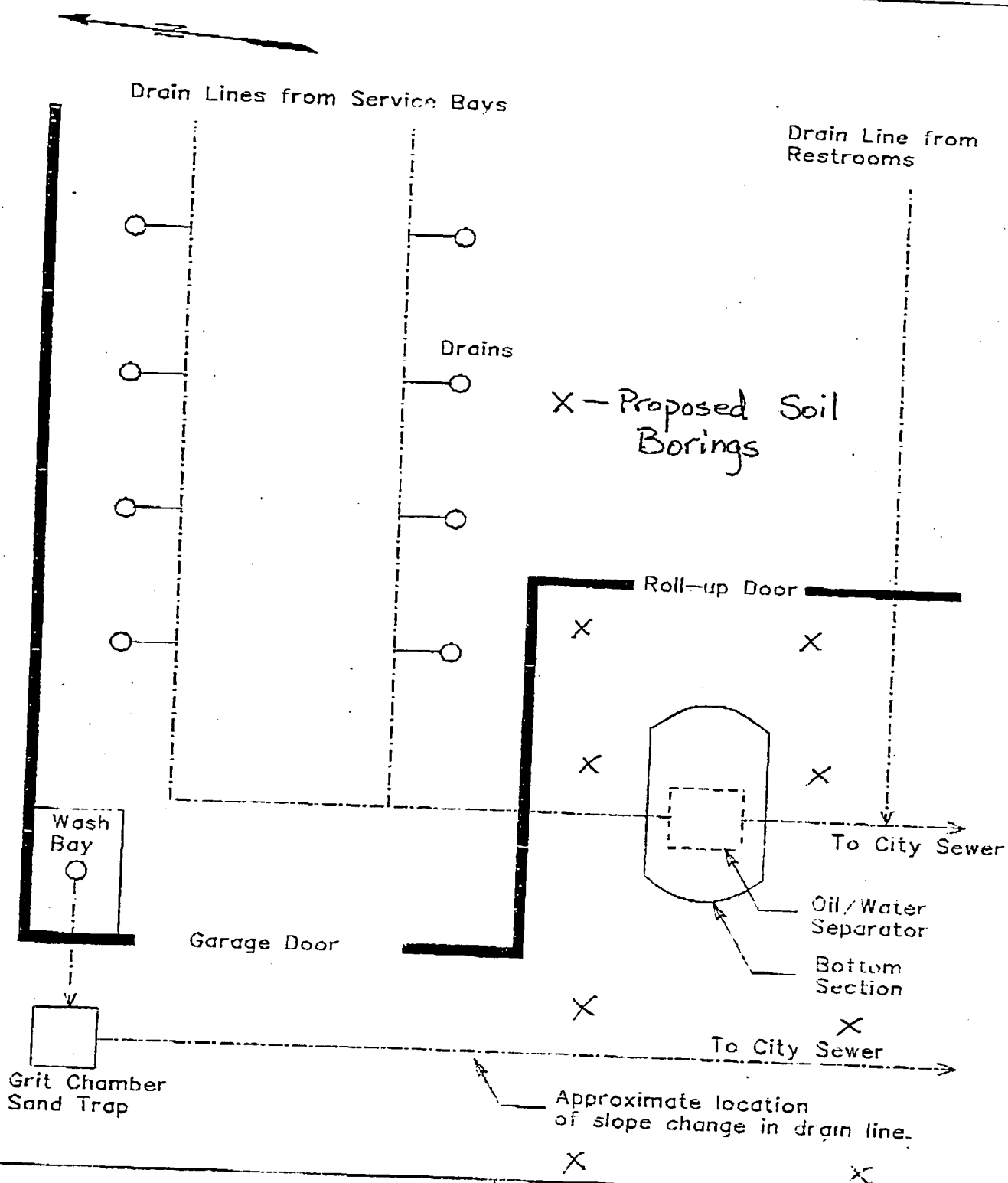
Attachments

cc: Mr. Charles Case, Esquire
Mr. Jerry O'Connor, Esquire
Mr. Pat Pascarella

PROJECT\6435ZIMM.LTR

the May 15 Site Assessment Report received by your office on May 16. The RPM project and the proposed soil borings were briefly discussed with Mr. Tom Arrington, Groundwater Section, Raleigh Regional Office by Mr. Jack Garrison via telephone on May 25.





SITEX
Environmental, Inc.

SITEX Engineers Southeast, P.C.

FIGURE 3 - O/W Separator & Sewer Lines
RPM Nissan
Durham, North Carolina

DATE: May 9, 1995

SCALE: Not to Scale

HUNTON & WILLIAMS

ATLANTA, GEORGIA
BRUSSELS, BELGIUM
FAIRFAX, VIRGINIA
HONG KONG
KNOXVILLE, TENNESSEE

POST OFFICE BOX 109
RALEIGH, NORTH CAROLINA 27602
TELEPHONE (919) 899-3000
FACSIMILE (919) 833-6352
(919) 899-3096

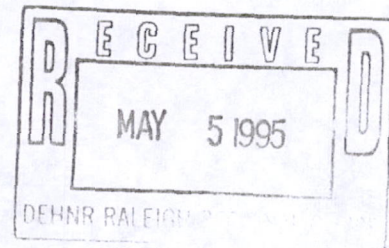
NEW YORK, NEW YORK
NORFOLK, VIRGINIA
RICHMOND, VIRGINIA
WARSAW, POLAND
WASHINGTON, D.C.

Ethan S. Naftalin

Client/Matter No.: 49897.2
Direct Dial: (919) 899-3090
Internet: enaftalin@hunton.com

May 4, 1995

Mr. Jay Zimmerman
Raleigh Regional Office
Division of Environmental Management
Department of Environment, Health
and Natural Resources
3800 Barrett Drive, Suite 101
Raleigh, North Carolina 27609



Re: RPM Nissan; 3930 Chapel Hill Boulevard, Durham, North Carolina

Dear Jay:

I represent Capital City Development, Inc. and Capital City Nissan, Inc. (collectively, Capital City) in connection with the above-referenced property. This letter follows our May 2, 1995 conversation regarding same.

As I indicated on the telephone, Capital City has discovered an apparent groundwater discharge at the property. The circumstances of this discharge are as follow.

Capital City purchased the property from Mr. & Mrs. Tommy Baker in 1990. In April 1995, Capital City began construction of new improvements on the property. The construction activities uncovered a subsurface oil/water separator system previously unknown to Capital City. Capital City retained Sitex Environmental, Inc. to supervise the removal of the system in April 1995 and to determine whether the system had released any substances into soil or groundwater at the property.

On May 2, Sitex reported to Capital City the presence of certain volatile organic compounds in a groundwater sample taken from a shallow on-site well installed by Sitex. I will forward to you a copy of Sitex's final assessment report upon my receipt of same.

Capital City plans to assess further the presence and extent of VOC constituents in the property's groundwater. We plan also to request from the Bakers any information they have

HUNTON & WILLIAMS

Mr. Jay Zimmerman

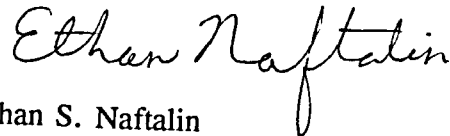
May 4, 1995

Page 2

regarding the former oil/water separator system. We will, of course, keep the Division apprised of our efforts.

Please contact me if you have any questions concerning the foregoing.

Best regards,

A handwritten signature in cursive script that reads "Ethan Naftalin". The signature is written in dark ink and is positioned above the printed name.

Ethan S. Naftalin

cc: Charles D. Case
Jack H. Garrison, Jr.
Jerry R. O'Connor
Charles L. Steel, IV